

Response to Comments
CHAPTER 14. LOCAL AGENCY
COMMENTS

Comment Letter L001 (Steve Emslie, City of Palo Alto Transportation Division, March 24, 2010)

MAR-29-2010 MON 08:19 AM C P A PLANNING

FAX NO. 6503292154

P. 01

MAR-29-2010 MON 08:19 AM C P A PLANNING

FAX NO. 6503292154

P. 02

1.001

FACSIMILE COVER SHEET
CITY OF PALO ALTO
Transportation Division

P.O. Box 10250
Palo Alto, CA 94303-0862

250 Hamilton Avenue, 5th Floor
Main Phone: (650) 329-2520

DATE: 3/24/10 TIME: _____

FROM: Gayle Likens FAX #: (650) 617-3108

SENDER'S
PHONE: 650-329-2136

PLEASE DELIVER THESE PAGES TO:

NAME: Dominic Spaethling

COMPANY: California High Speed Rail Authority

LOCATION: Sacramento, CA

FAX # 916-322-0827

NUMBER OF PAGES (Including Cover Sheet): 2

COMMENTS: _____

SCANNED & UPLOADED
CAHSR - DOCUMENT CONTROL

City of Palo Alto
Office of the City Manager

FAX Transmittal 916-322-0827

March 24, 2010

Dominic Spaethling, Regional Manager
California High Speed Rail Authority
925 L Street, Suite 142
Sacramento, CA 95814

**Re: Request for 30 Day Extension of Comment Period for Revised Draft Program EIR
for the Bay Area to Central Valley High Speed Train**

Dear Mr. Spaethling:

The City of Palo Alto requests that the 45 day comment period be extended by an additional 30 days to May 26, 2010. The limited 45 day comment period is highly constraining for review and evaluation of such a significant document. The extended period is necessary to 1) fully review and understand the findings in the DEIR and 2) better inform the Palo Alto community about the implications of the findings, including holding a community meeting, and review of comments on the DEIR by the City's Planning and Transportation Commission and City Council. The City believes this outreach will best serve the community of Palo Alto and the HSRA by providing more cohesive and thoughtful comments on the DEIR and its implications for Palo Alto.

Thank you for considering this request, and please let us know as soon as possible whether the deadline will be extended. If you or others have questions, please feel free to contact me or City Manager James Keene.

Sincerely,


STEVE EMSLIE
Deputy City Manager

cc: City Council
Mehdi Morshed, HSRA
Robert Doty, Peninsula Rail Project
James Keene, City Manager

L001-1

P.O. Box 10250
Palo Alto, CA 94303
650.329.2563
650.325.5025 fax

Printed with soy-based inks on 100% recycled paper processed without chlorine



Response to Letter L001 (Steve Emslie, City of Palo Alto Transportation Division, March 24, 2010)

L001-1

Consistent with CEQA requirements, the Authority has provided a 45-day public comment period under CEQA, from March 11, 2010, to April 26, 2010. The Authority has not extended the comment period beyond April 26, 2010, however, the Revised Draft Program EIR Material has been publicly available since March 4, 2010, a week before the official 45-day public comment period commenced on March 11, 2010. The document has therefore been available to the public for a total of 52 days.

Comment Letter L002 (City Manager, City of Palo Alto Planning and Community Environment, April 12, 2010)

L002

12

**City of Palo Alto
City Manager's Report**

TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER **DEPARTMENT:** PLANNING
AND COMMUNITY ENVIRONMENT

DATE: APRIL 12, 2010 **CMR:** 211:10

REPORT TYPE: STUDY SESSION

SUBJECT: Review and Comment on Revised Draft Program EIR for the Bay Area to Central Valley High Speed Train and Monthly Update on City Activities Related to the California High Speed Rail Project

RECOMMENDATION

Staff recommends that the Council provide comments on the outline for the City's comments on the Revised Draft Program EIR for the Bay Area to Central Valley High Speed Train project and direct staff to return with a draft final comment letter for Council approval on April 19.

BACKGROUND

On November 4, 2008, the voters of California approved initial bond funding for the California High Speed Rail Authority (CHSRA) detailed environmental studies and plans for the construction of high speed rail from Los Angeles to San Francisco, via San Jose and the Caltrain corridor. The HSRA consulting team for the San Francisco to San Jose Project Level Environmental Impact Report (EIR) began work in early 2009. On March 30, 2009, Council approved a "scoping" comments letter to forward to CHSRA and a Memorandum of Understanding to join the Peninsula Cities Consortium (PCC). A City Council subcommittee was appointed and the City has established a web page to keep the community informed about the project at: www.cityofpaloalto.org/cahsr. On May 18, 2009, the City Council adopted Guiding Principles (Attachment D) to provide direction to the City's High Speed Rail Ad Hoc Committee. On March 15, 2010, the Council designated the Ad Hoc Committee a Standing Committee of the City Council.

DISCUSSION

This report provides information on the review of the Bay Area to Central Valley Revised Draft Program EIR and an update regarding activities related to the High Speed Rail project that have been undertaken since the last report on March 15.

Bay Area to Central Valley Revised Draft Program EIR

In August 2008, a group of petitioners filed a lawsuit in Sacramento County Superior Court claiming the Authority's Final Bay Area to Central Valley Program Environmental Impact

Report (PEIR) (Attachment F) violated the California Environmental Quality Act (CEQA) in numerous ways. (Town of Atherton, et al., v. California High-Speed Rail Authority, et al).

On August 26, 2009, the Court ruled that the Program EIR required revision and recirculation in the several areas to comply with CEQA related to the San Jose to Gilroy section and noise and vibration impacts. On December 3, 2009, HSRA rescinded the certification of the 2008 Program EIR and directed Authority staff to prepare the necessary revisions to the PEIR and circulate them in accordance with CEQA for public comment.

On March 4, 2010, the HSRA released a Revised Draft Program Environmental Impact Report (Attachment E). A 45-day public comment period began on March 11, 2010, and will end on April 26, 2010. (Palo Alto has formally requested a 30-day extension of the comment period, but has not received a reply from HSRA). The document includes the changes made in response to the court decision, focused on the Gilroy-San Jose alignment and alternatives to using the Union Pacific Railroad right-of-way. It does respond in detail to the noise and vibration issues cited in the Court ruling.

Included in this packet is a memorandum from the City Attorney which describes a framework for providing comments on the Revised Program EIR, and implications of the availability of new information to reopen comments on the full 2008 Program EIR.

L002-1
cont.

Staff has retained an environmental consulting firm to assist with the preparation of comments. A draft of the outline for comments on the Revised PEIR is provided as Attachment A. The outline includes all of the potential subject areas to be covered by the City's comments on the revised draft PEIR as well as the original Program EIR. Staff requests that the Council provide comments on the outline including any other areas for comment. Staff will then prepare a detailed comment letter for Council review and approval on April 19.

To facilitate discussion, several documents are attached to this report or links to documents related to High Speed Rail are provided as background for the Council's review of the Revised PEIR, including:

- A copy of the Cities of Menlo Park and Atherton lawsuit challenging the validity of the original Program EIR. Many of the reasons for challenge might be similar to reasons Palo Alto might challenge the Revised Draft Program EIR (Attachment B).
- A copy of the decision on that lawsuit, finding deficiencies in the analysis for the Gilroy-San Jose segment and related to vibration impacts (Attachment C).

The Planning and Transportation Commission discussed the Revised PEIR on April 7 and prepared comments for Council's consideration. A memo summarizing the Commission's discussion and the PTC draft minutes will be provided to the City Council at-places on April 12.

San Francisco to San Jose HST Preliminary Project Alternatives Analysis Report

The Preliminary Alternatives Analysis (AA) Report was released for circulation and presented to the HSRA Board on April 8.

Comment Letter L002 – Continued

The City has retained the engineering firm Hatch Mott MacDonald to conduct an independent peer review of technical conclusions in the AA, such as tunneling feasibility and other below grade options, costs, and railroad operations. The scope of work includes full technical review and participation in meetings with the Ad Hoc Committee, City Council and a community meeting. Staff will schedule two community meetings prior to the City Council finalizing comments on the report.

Context Sensitive Solutions (CSS)

The Peninsula Rail Program (PRP) adopted Context Sensitive Solutions, a dynamic, two-way collaborative process, to support the active involvement of Peninsula communities in the planning and design of California High-Speed Rail and Caltrain 2025 projects.

CSS is a collaborative and interdisciplinary approach that involves all stakeholders to develop a transportation project that fits its physical setting and preserves scenic, aesthetic, historic, and environmental resources while maintaining safety and mobility. CSS offers an opportunity for communities, stakeholders, and project sponsors to collaborate to define key values, priorities, measures of success, and context considerations.

The PRP has prepared a CSS Toolkit which will guide the process, and has posted the Toolkit on its website at http://www.caltrain.com/peninsularailprogram_css toolkit.html.

Next Steps/Planned Activities

The next milestones for the Project are:

- Release of San Francisco to San Jose Preliminary Alternatives Analysis – April 8, 2010
- End comment period for Bay Area to Central Valley Revised PEIR – April 26, 2010
- Draft EIR/EIS – First Quarter of 2011
- Final EIR/EIS – End of 2011

POLICY IMPLICATIONS

The recommendations in this report are consistent with existing Council policy direction related to the California High Speed Rail Project.

ENVIRONMENTAL REVIEW

The recommendations in this report do not constitute a project requiring environmental review under the California Environmental Quality Act.

ATTACHMENTS

- A. Draft Outline for Comments on Bay Area to Central Valley Draft Revised Program EIR
- B. Menlo Park/Atherton Litigation v. High Speed Rail Authority
- C. Court Decision re: Menlo Park/Atherton Litigation
- D. Guiding Principles
- E. Revised Draft Program EIR for Central Valley to Bay Area High Speed Rail Project, March 2010 (Council only, available online at: <http://www.cahighspeedrail.ca.gov/library.asp?p=9274>)

F. 2008 Final Program EIR for Central Valley to Bay Area High Speed Rail Project (CDs for Council only, available online at: <http://www.cahighspeedrail.ca.gov/library.asp?p=9274>)

COURTESY COPIES

Nadia Naik, Californians for Responsible Rail Design (CAARD)
Dominic Spaethling, California High Speed Rail Authority

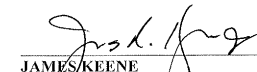
PREPARED BY:


GAYLE LIKENS
Management Specialist

APPROVED BY:


STEVE EMSLIE
Deputy City Manager

CITY MANAGER APPROVAL:


JAMES KEENE
City Manager

L002-1
cont.

L002-1
cont.

Comment Letter L002 - Continued

ATTACHMENT A

Outline for Comments on the Revised Draft Program EIR for the Bay Area to Central Valley High-Speed Train

General Comments and Process

- No scoping sessions or public meetings on the Second Program EIR/EIS were held anywhere on the Peninsula between San Jose and San Francisco, and Peninsula cities were absent from the Outreach Before Draft Program EIR/EIS process
- Significant new information exists that makes the earlier Program EIR/EIS invalid and requires a recirculation of the document
 - The ridership and revenue modeling used for the analysis and alternatives comparison is flawed, particularly given the new information provided in the 2009 Business Plan update
 - New information on project impacts and alternatives is being discovered during the project-level environmental review for the San Francisco to San Jose and San Jose to Merced segments, and this new information may indicate new or increased impacts, and new feasible alternatives or mitigation measures
 - New alternatives have been suggested to the Union Pacific/Monterey Highway alignments
 - New information regarding the use of the Monterey Highway median for portions of the right-of-way results in new questions regarding noise, land use, property, traffic, and construction impacts
 - The recently announced project to conduct a seismic retrofit of the State Route 92 San Mateo highway bridge opens the possibility of placing a HST crossing in conjunction with that rebuilt bridge
 - The need to evaluate impacts from Union Pacific's refusal to share its right-of-way opens up the possibility of considering new alternative alignments for not only the Pacheco Pass alignment but also the Altamont Pass alignment, including an Altamont Pass alignment that would run along State Route 84 through the East Bay rather than along the Union Pacific right-of-way.

L002-2

L002-3

Project Description

- Document fails to adequately describe the location of the project, including the proposed right-of-way and station locations, and the degree of uncertainty regarding these locations
- Document fails to adequately indicate the extent the project would require acquisition of private property through eminent domain
- Project description is internally inconsistent
- Document fails to indicate exactly where grade separations would take place (all or only some of the existing intersections) and whether pedestrian crossings would be added

L002-4

L002-5

L002-6

L002-7

Business Plan

- Document fails to provide an explanation of the methodology used to calculate ridership figures
- Document fails to include an explanation of what portions of projected ridership would occur regardless of whether the project was approved or regardless of the alignment alternative chosen
- Document fails to include a full tabulation and explanation of project costs, methodologies for calculating costs, costs for each alternative and sub-alternative, costs for tunnels through developed urban areas, and costs for developing ridership
- Document fails to include a tabulation of expected funding sources for the project
- Document fails to address construction costs, including full economic cost of eminent domain
- Document fails to address how nearby businesses would be affected during project construction, whether small businesses will survive, and how city tax revenues may be affected as a result

L002-8

L002-9

L002-10

L002-11

L002-12

Environmental Impacts and Mitigation Measures

General Comments

- Document identifies a Peninsula alignment and station locations, but fails to fully identify, analyze, and mitigate all Peninsula-related environmental impacts from that specific alignment and those specific station locations
- Document fails to disclose or adequately analyze the project's potential impacts associated with the use of the Caltrain and/or Union Pacific shared right-of-way
- Document fails to discuss the potential necessity of locating the project alignment away from the Union Pacific right-of-way, both in the San Francisco to San Jose segment and the San Jose to Gilroy segment, due to Union Pacific's refusal to share a right-of-way with the HST system
- Mitigation measures used in the document are often inadequate, and in some cases so poorly described as to make it impossible to determine the feasibility of the mitigation measure
- Document fails to address significance criteria within each local jurisdiction
- Impact discussion focuses on a corridor 50 feet to either side of the existing corridor or 50 feet to either side of the centerline of the new HST alignments, when the document should focus on a wider corridor for impacts, such as 500 feet to either side
- Document fails to indicate how the HST would affect Caltrain service (both during construction and operation), and whether Caltrain would be able to continue providing express service
- Document uses flawed assumptions in determining impact significance
- Document fails to address how grade separations will affect traffic, air emissions, noise, land use (separation of communities), and aesthetics

L002-13

L002-14

L002-15

L002-16

L002-17

L002-18

L002-19

L002-20

L002-21

Comment Letter L002 - Continued

Aesthetics

- Document fails to address the visual impacts of 45 miles of sound walls proposed as mitigation for noise impacts | L002-22
- Document fails to address the visual impacts of elevated structures | L002-23
- Document fails to address shade and shadow impacts of sound walls and elevated structures | L002-24
- Document fails to adequately indicate how sound walls would address aesthetics impacts for elevated railway, and fails to indicate height of sound walls | L002-25
- Document fails to address visual impact of new utility lines | L002-26
- Document fails to address how the absence of screening trees along certain segments affects the impact significance of new utility poles and wires | L002-27
- Document fails to address how any new vehicle or pedestrian overpasses would affect the visual environment | L002-28
- Document fails to address whether the project would include nighttime lighting, and what impact such lighting would have on neighboring uses, particularly two-story residences | L002-29

Agriculture

- Document fails to adequately address the loss of prime agricultural land, particularly if the proposed right-of-way must be relocated away from the Caltrain/Union Pacific right-of-way within the San Jose to Gilroy corridor; this relocation could be necessitated by Union Pacific's refusal to share a right-of-way with the HST system | L002-30
- Document fails to address the indirect loss of agricultural lands due to induced sprawl development at proposed station locations | L002-31

Air Quality and Greenhouse Gases

- Document fails to fully disclose or adequately analyze the project's potential air quality impacts, including the production of greenhouse gases and contribution to global climate change | L002-32
- Document fails to adequately compare air quality and greenhouse gas emissions between the alternatives (elevated, at grade, below grade, underground) | L002-33
- Document uses flawed assumptions in the impact analysis | L002-34

Biological Resources

- Document fails to address the potential loss of valuable wildlife habitat, including wetlands, particularly if the proposed right-of-way must be relocated away from the Caltrain/Union Pacific right-of-way anywhere along the San Francisco to Gilroy corridor; this relocation could be necessitated by Union Pacific's refusal to share a right-of-way with the HST system | L002-35
- Document fails to address impacts to trimming or removal of mature or heritage trees along project alignment | L002-36
- Document fails to address impacts to El Palo Alto, the iconic heritage redwood tree in Palo Alto | L002-37

Cultural Resources

- Document fails to address impacts to historic resources and Native American archaeological sites along the alignment | L002-38

Environmental Justice

- Document uses incorrect methodology for analysis | L002-39

Geology and Seismicity

- Document fails to adequately address potential impacts and risks associated with the rail line crossing several active and potentially active fault zones | L002-40
- Document fails to adequately address impacts resulting from a major earthquake and associated strong ground motion | L002-41

Hazards and Hazardous Materials

- Document fails to address the public health and safety impacts due to possible derailments on the Union Pacific, Caltrain, or HST lines and subsequent collisions with high speed trains | L002-42
- Document fails to address other possible collisions with trains | L002-43
- Document fails to address conflicts with underground toxic plumes | L002-44

Hydrology and Water Quality

- Document fails to address impacts of trenching or tunneling on groundwater during construction, which applies to portions of the Altamont Route Alternatives | L002-45
- Document fails to address impacts on creek flow, creek stability, and riparian habitat | L002-46
- Document fails to adequately address impacts of shallow groundwater on operations and maintenance | L002-47
- Document fails to adequately address the impacts on project operations from flooding | L002-48

Land Use and Planning

- Document fails to discuss direct and indirect impacts of potential "sprawl" development as a result of the project, particularly near the locations of proposed stations | L002-49
- Document fails to address the displacement of residents and businesses if the proposed right-of-way must be relocated away from the Caltrain/Union Pacific right-of-way; this relocation could be necessitated by Union Pacific's refusal to share a right-of-way with the HST system | L002-50
- Document fails to address land use impacts through the division of existing communities, either through the expansion of the existing Caltrain/Union Pacific right-of-way, the elevation of structures within the Caltrain/Union Pacific right-of-way, or the relocation of the proposed right-of-way away from the Caltrain/Union Pacific right-of-way; this relocation could be necessitated by Union Pacific's refusal to share a right-of-way with the HST system | L002-51
- Document fails to address project impacts due to potential incompatibility with existing or planned uses, inconsistency with zoning or general plan designations, and incompatibility with existing or proposed development plans | L002-52

Comment Letter L002 - Continued

<ul style="list-style-type: none"> Document fails to address impacts to local businesses, particularly during construction 	L002-53		
<ul style="list-style-type: none"> Document fails to address impacts to property values due to aesthetics, noise, vibration, circulation, and daily train operations 	L002-54		
<ul style="list-style-type: none"> Document incorrectly states that project corridor would have a “high” compatibility rating, when the document states that single-family residential homes have a “low” compatibility rating 	L002-55		
<ul style="list-style-type: none"> Document fails to address how elevating the railway could create a physical barrier that divides a community 	L002-56		
Minerals			
<ul style="list-style-type: none"> No issues identified at this time 	L002-57		
Noise and Vibration			
<ul style="list-style-type: none"> Document fails to adequately address the impact significance of noise and vibration impacts, and fails to adequately mitigate these impacts 	L002-58		
<ul style="list-style-type: none"> Document categorizes noise and vibration impacts as “low-level”, “medium-level”, and “high-level”, and establishes four noise-related thresholds of significance, but does not indicate whether the project impacts would exceed these thresholds and be considered significant impacts 	L002-59		
<ul style="list-style-type: none"> Document fails to adequately explain how the proposed mitigation measures would address noise and vibration impacts and reduce these impacts to a less than significant level 	L002-60		
<ul style="list-style-type: none"> Document addresses estimated noise levels on a region-wide basis, and does not quantify anticipated noise levels on the proposed alignment or station locations 	L002-61		
<ul style="list-style-type: none"> Document fails to address noise and vibration impacts during construction 	L002-62		
<ul style="list-style-type: none"> Grade separation would introduce inclines – document fails to address how such inclines would affect noise and vibration impacts of HST, Caltrain, and freight train operations, particularly when climbing up an incline 	L002-63		
<ul style="list-style-type: none"> Document fails to quantify the noise level increase over existing conditions 	L002-64		
<ul style="list-style-type: none"> Document fails to address nightly track maintenance 	L002-65		
<ul style="list-style-type: none"> Document fails to address how different design options (tunnel, below grade, at grade, elevated) affect noise impacts 	L002-66		
<ul style="list-style-type: none"> Document fails to address how wind and weather patterns would affect noise impacts 	L002-67		
<ul style="list-style-type: none"> Noise impact ratings should be indicated as “high” along most of the San Jose to San Francisco corridor due to dense residential development 	L002-68		
<ul style="list-style-type: none"> Document addresses noise impacts from 186 mph operations, but does not address noise impacts for 220 mph speeds through Morgan Hill and Gilroy 	L002-69		
<ul style="list-style-type: none"> Document fails to quantify noise reduction provided by sound walls, particularly given the presence of two-story residences and the possibility of an elevated railway 	L002-70		
<ul style="list-style-type: none"> The proposed sound wall height appears to be inadequate to address noise impacts 	L002-71		
<ul style="list-style-type: none"> Document fails to address impacts of sound walls on traffic noise for adjacent streets; vehicle noise may bounce off the sound wall and back out into the community 	L002-72		
Population and Housing			
<ul style="list-style-type: none"> Document fails to evaluate project impact on the jobs/housing balance in the region 	L002-73		
Public Services			
<ul style="list-style-type: none"> No issues identified at this time 	L002-74		
Recreation			
<ul style="list-style-type: none"> Document fails to address impacts to park and recreational facilities – access, noise, visual impacts 	L002-75		
<ul style="list-style-type: none"> Document does not accurately count/consider all of the parks and recreational facilities along the project route 	L002-76		
Transportation and Traffic			
<ul style="list-style-type: none"> Document fails to address the transportation-related policies and plans of local jurisdictions 	L002-77		
<ul style="list-style-type: none"> Document fails to identify impacts to streets during construction, including identification of detours and road closures 	L002-78		
<ul style="list-style-type: none"> Document fails to address increased traffic and parking impacts in the vicinity of proposed stations 	L002-79		
<ul style="list-style-type: none"> Document fails to address impacts to pedestrian and bicycle paths that intersect the proposed alignment 	L002-80		
<ul style="list-style-type: none"> Document claims that Monterey Highway is underutilized, and that the loss of 2 of the 6 lanes will not significantly affect traffic in the area – the document fails to support these conclusions 	L002-81		
Utilities			
<ul style="list-style-type: none"> Document fails to address the energy needs for the project, the quantity of electricity required, and what infrastructure (utility lines and substations) would be required to bring the necessary power to the corridor 	L002-82		
<ul style="list-style-type: none"> Document fails to address other potential utility needs for the project, and whether the infrastructure is present to accommodate the project’s needs 	L002-83		
<ul style="list-style-type: none"> Document fails to identify impacts of the relocation of all utilities within and crossing the right-of-way 	L002-84		
Cumulative Impacts			
<ul style="list-style-type: none"> Document fails to address the cumulative impacts of proposed Caltrain improvements 	L002-85		
<ul style="list-style-type: none"> Document fails to address the cumulative impacts of proposed roadway improvements along the entire corridor from San Francisco to Gilroy 	L002-86		
Alternatives			
<ul style="list-style-type: none"> Document fails to include information on the environmentally superior alternative, thereby depriving the public of an opportunity to comment on the methodology used to identify that alternative 	L002-87		

Comment Letter L002 - Continued

<ul style="list-style-type: none"> Document fails to analyze all alternatives at an equal level of analysis as required by NEPA (this issue relates to the previous Program EIR/EIS and not the current Revised Program EIR, and thus may not be germane to the current document under review) 	L002-88
<ul style="list-style-type: none"> Alternatives analysis is inadequate, inaccurate, incomplete, and biased <ul style="list-style-type: none"> Analysis of Altamont Pass Alternatives inaccurately portrays the operational characteristics in a way that results in significantly underestimating the potential ridership of those alternatives 	L002-89
<ul style="list-style-type: none"> Document improperly and unfairly discounted and found infeasible the potential for the Altamont Pass Alternative to rebuild the Dumbarton Rail Bridge in a way that could be used by both the Caltrain Dumbarton Rail Project and the proposed high-speed train 	L002-90
<ul style="list-style-type: none"> Document overemphasizes the aquatic impacts of rebuilding the Dumbarton Rail Bridge and unfairly discounts the likelihood of being able to obtain environmental clearance 	L002-91
<ul style="list-style-type: none"> Document underestimates the aquatic, wetlands, and wildlife impacts of the Pacheco Pass Alternative's crossing of the Grasslands Ecological Area and discounts the difficulty of obtaining environmental clearance for such a crossing 	L002-92
<ul style="list-style-type: none"> Document improperly and unfairly overemphasizes the impacts of a corridor through the cities of Pleasanton and Fremont, while underestimating the impacts of a corridor along the San Francisco Peninsula 	L002-93
<ul style="list-style-type: none"> Document underemphasizes the impacts of running the corridor through portions of San Jose south of San Jose's Diridon Station by not disclosing the absence of undeveloped land outside of the Union Pacific corridor south of that station 	L002-94
<ul style="list-style-type: none"> Document fails to adequately address alternative alignments within or along the Caltrans right-of-way and Highway 280 	L002-95
<ul style="list-style-type: none"> Document fails to address an alternative where the HST alignment ends in San Jose, and then passengers transfer to Caltrain 	L002-96
<ul style="list-style-type: none"> Document fails to address alternatives that would reduce the number of tracks to less than four 	L002-97
<ul style="list-style-type: none"> Document provides a "low" or "medium" impact rating for segments that pass alongside residential development, when that rating should be higher 	L002-98
Response to Comments <ul style="list-style-type: none"> Responses are often perfunctory or conclusory, and not supported by substantial evidence 	L002-99

Comment Letter L002 - Continued

ATTACHMENT B

COUNCIL MEETING
5/21/09
[] Placed Before Meeting
[x] Received at Meeting

LAW OFFICES OF STUART M. FLASHMAN
STUART M. FLASHMAN (SBN 148396)
5626 Ocean View Drive
Oakland, CA 94618-1533
TEL/FAX (510) 652-5373
e-mail: stu@stuflash.com

JEFF HOFFMAN SBN: 225569
LAW OFFICE OF JEFF D. HOFFMAN
132 Coleridge Street, Suite B
San Francisco, CA 94110-5113
Telephone: (415) 285-7735
Facsimile: (415) 920-1731

Attorneys for Petitioners and Plaintiffs Town of Atherton *et al.*
(Exempt from filing fees – Gov. Code §6103)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

TOWN OF ATHERTON, a Municipal
Corporation, PLANNING AND
CONSERVATION LEAGUE, a California
nonprofit corporation, CITY OF MENLO
PARK, a Municipal Corporation,
TRANSPORTATION SOLUTIONS DEFENSE
AND EDUCATION FUND, a California
nonprofit corporation, CALIFORNIA RAIL
FOUNDATION, a California nonprofit
corporation, and BAYRAIL ALLIANCE, a
California nonprofit corporation, and other
similarly situated entities,
Petitioners and Plaintiffs

v.

CALIFORNIA HIGH SPEED RAIL
AUTHORITY, a public entity, and DOES 1-20,
Respondents and Defendants

Petitioners and Plaintiffs TOWN OF ATHERTON (hereinafter, "ATHERTON"),
PLANNING AND CONSERVATION LEAGUE (hereinafter, "PCL"), CITY OF MENLO
PARK (hereinafter, "MENLO PARK"), TRANSPORTATION SOLUTIONS DEFENSE AND
EDUCATION FUND (hereinafter, "TRANSDEF"), CALIFORNIA RAIL FOUNDATION
(hereinafter, "CRF"), BAYRAIL ALLIANCE (hereinafter, "BAYRAIL"), and other similarly
situated entities (the foregoing, collectively, to be referred to hereinafter as "PETITIONERS")
hereby allege as follows:

Case No.:

VERIFIED PETITION FOR
PEREMPTORY WRIT OF MANDATE
AND COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF

[Public Resources Code §21168; Code of
Civil Procedure §§1060, 1994.5]

1
PETITION FOR WRIT OF MANDATE AND COMPLAINT

INTRODUCTION

1. PETITIONERS bring this action to challenge the decision of Respondent and Defendant
CALIFORNIA HIGH SPEED RAIL AUTHORITY ("CHSRA") to approve the Bay Area to
Central Valley High Speed Train Project (hereinafter, "Project"), including specifically choosing
an alignment for the Project, without providing legally adequate review under the California
Environmental Quality Act Public Resources Code section 21000 *et seq.* ("CEQA").
Respondent's actions are illegal as they violate CEQA and the California Code of Regulations,
Title 14, section 15000 *et seq.* ("CEQA Guidelines").

2. PETITIONERS allege that CHSRA approved the Project based on a Final Programmatic
Environmental Impact Report/Environmental Impact Study ("FPEIR/S") that did not adequately
and accurately describe the Project, did not give adequate consideration to the Project's impacts
on the environment, failed to propose adequate mitigation measures to address the Project's
significant impacts, failed to provide a fair and adequate consideration of feasible alternatives to
the approved Project, and failed to provide adequate responses to comments on the Draft
Programmatic Environmental Impact Report/Environmental Impact Study ("DPEIR/S")
submitted by other public agencies, as well as by concerned organizations and individuals.

3. The Project is part of a larger proposed legislatively-mandated plan to develop high
speed rail service between the cities of Los Angeles and San Francisco. It follows on CHSRA's
earlier approval of an overall proposal for such high speed rail service, based on a broader
overall FPEIR/S. However, that FPEIR/S specifically left undetermined the route the high speed
rail project would take from the Central Valley to its northwestern terminus of San Francisco.
The Project being challenged herein was intended to fill that gap.

4. While the Project entailed many studies, analyses, and choices, perhaps the single biggest
choice was between two major alternative alignments: the "Pacheco Alignment" running north
and westward from the Central Valley main line south of Merced, through Pacheco Pass then
north through Gilroy to San Jose and then north and west along the San Francisco Peninsula to
San Francisco, and the "Altamont Alignment" running north and westward from the Central
Valley main line north of Modesto, through Tracy, through the Altamont Pass and across the

2
PETITION FOR WRIT OF MANDATE AND COMPLAINT

Comment Letter L002 - Continued

1 East Bay, with one branch going south and westward to San Jose and a second branch going west
2 and northward across San Francisco Bay to San Francisco.

3 5. PETITIONERS allege that the CHSRA's consideration of these two major alternatives
4 was neither fair nor complete, but, instead, improperly distorted the analysis of benefits and
5 impacts, and ultimately of feasibility and desirability to unfairly and improperly bias the analysis
6 in favor of approving the Pacheco Alignment.

7 6. Respondent's actions will harm PETITIONERS, their members, and the public, by
8 causing serious environmental harm along the Pacheco Alignment route. That harm, because of
9 the inadequacy of the environmental review under CEQA, was neither properly disclosed nor
10 adequately mitigated. In addition, it could have been avoided through choice of the Altamont
11 Alignment.

12 7. PETITIONERS seek this Court's peremptory writ of mandate ordering the CHSRA to
13 rescind its actions in approving the Project and certifying the FPEIR/S for the Project.
14 PETITIONERS also seek this Court temporary restraining order and preliminary and permanent
15 injunction to prevent CHSRA from proceeding with implementing the Project in the absence of
16 adequate review under CEQA. PETITIONERS also seek this Court's declaration that the
17 PROJECT approval by CHSRA violated CEQA. Finally, PETITIONERS, acting in the public
18 interest, seek an award of costs and of attorneys' fees under Code of Civil Procedure §1021.5 or
19 other applicable authority.

PARTIES

20
21 8. Petitioner TOWN OF ATHERTON is a municipal corporation, formed and existing
22 under the general laws of the State of California. ATHERTON lies directly astride of the
23 proposed Pacheco Pass alignment down the San Francisco Peninsula. It and its citizens will
24 therefore be directly affected by CHSRA's decisions to certify the FPEIR/S for the Project and
25 approve the Pacheco Pass alignment as part of the Project.

26 9. Petitioner PLANNING AND CONSERVATION LEAGUE is a public benefit nonprofit
27 California corporation, established and existing under the laws of the State of California,
28 headquartered in Sacramento, California. PCL works, using the political and legal systems, to

1 enact and implement policies that protect and restore the California environment. PCL is an
2 affiliate of the National Wildlife Federation.

3 10. Petitioner CITY OF MENLO PARK is a municipal corporation, formed and existing
4 under the general laws of the State of California. MENLO PARK lies directly astride of the
5 proposed Pacheco Pass alignment down the San Francisco Peninsula. It and its citizens will
6 therefore be directly affected by CHSRA's decisions to certify the FPEIR/S for the Project and
7 approve the Pacheco Pass alignment as part of the Project.

8 11. Petitioner TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION FUND is
9 a California nonprofit public benefit corporation, headquartered in the Bay Area, established and
10 existing under the laws of the State of California as a regional advocate to promote transportation
11 solutions favoring transit over new highway capacity, development around transit stops rather
12 than sprawl into the Bay Area's open spaces, and more market-oriented pricing of private motor
13 vehicle travel. TRANSDEF advocates on behalf of its members and the public at large for
14 effective regional planning, smart growth, improved transit service, and cleaner air. TRANSDEF
15 has participated in the development of the 2001, 2005 and 2009 Bay Area Regional
16 Transportation Plans and Transportation Improvement Programs. TRANSDEF has actively
17 engaged in numerous public agency proceedings involving transportation and air quality issues,
18 including specifically the administrative proceedings around the Project and its environmental
19 review under CEQA.

20 12. Petitioner CALIFORNIA RAIL FOUNDATION, based in Sacramento, is a California
21 nonprofit public benefit corporation, established and existing under the laws of the State of
22 California. CRF works to educate the public on rail and bus technology and promote cost-
23 effective expansion of the state's public transportation services.

24 13. Petitioner BAYRAIL ALLIANCE is a California nonprofit public benefit corporation,
25 established and existing under the laws of the State of California. BAYRAIL works to build
26 public awareness of and support for plans that would improve regional passenger rail
27 infrastructure in the San Francisco Bay area, so as to improve the quality and convenience of the
28

Comment Letter L002 - Continued

services that they support, and thereby improve the region's environmental characteristics and quality of life.

14. PETITIONERS include in this action as co-petitioners and co-plaintiffs such other parties whose interests and claims are substantially the same as those of the above-named petitioners and plaintiffs. Said additional petitioners and plaintiffs may be named individually by amendment to this petition and complaint.

15. PETITIONERS and their members/citizens have a direct and beneficial interest in the approval and implementation of a well-planned, efficient, and environmentally sensitive high speed rail system within California and the San Francisco Bay area, and more specifically in the fully-informed, fair, and proper choice of alignment for the Project.

16. Respondent and Defendant CALIFORNIA HIGH SPEED RAIL AUTHORITY was established as an independent state authority by the legislature in 1996 and charged with planning, constructing and operating a high-speed train system to serve the Los Angeles to San Francisco mainline route as well as other major California cities along or connecting with that mainline route. CHSRA is governed by a seven member Board of Directors (hereinafter, "Board"). CHSRA, its staff, and contractors and consultants working under its control and direction, prepared the DPEIR/S and the FPEIR/S for the Project, and the Board of CHSRA certified the FPEIR/S for the Project and gave final approval to the Project.

17. PETITIONERS are unaware of the true names and capacities of Respondents and Defendants DOES 1 through 20, inclusive, and therefore sue those Respondents and Defendants under fictitious names. PETITIONERS will amend their Petition and Complaint to show their true names and capacities when the Respondents and Defendants have been identified and their capacities ascertained. Each of the Respondents and Defendants is the agent, employee, or both of every other Respondent and Defendant, and each performed acts on which this action is based within the course and scope of such Respondent's and Defendant's agency, employment, or both. PETITIONERS are informed and believe, and therefore allege, that each Respondent and Defendant is legally responsible in some manner for the events and happenings referred to herein.

GENERAL ALLEGATIONS

18. PETITIONERS have satisfied the requirements of Public Resources Code §21177.

PETITIONERS and their members/citizens/elected officials submitted oral and/or written comments to CHSRA, prior to the close of the public hearing before the approval of the Project, objecting to the approval of the Project. PETITIONERS, their members/citizens/elected officials, other public agencies, other organizations, and members of the public raised each of the claims presented in this petition prior to the close of the public hearing on the approval of the Project.

19. PETITIONERS have complied with the requirements of Public Resources Code section 21167.5 by mailing written notice of the commencement of this action to Respondent California High Speed Rail Authority before filing this Petition and Complaint. A copy of that notice, with proof of service, is attached hereto as Exhibit A.

20. Pursuant to Public Resources Code Section 21167.7, PETITIONERS have provided a copy of this Petition and Complaint to the California Attorney General. A copy of the accompanying notice and proof of service are attached hereto as Exhibit B.

21. PETITIONERS have no plain, speedy or adequate remedy in the ordinary course of law. Unless this Court grants the requested writ of mandate to require CHSRA to rescind its approval of the Project and certification of the FPEIR/S, CHSRA's actions in violation of CEQA will remain in effect.

22. If CHSRA is not enjoined from moving forward to implement the Project and from undertaking acts in furtherance thereof, PETITIONERS will suffer irreparable harm for which there is no adequate remedy at law in that CHSRA will move towards constructing a high speed train system including the Pacheco Pass Alignment, with attendant significant environmental impacts, without having first conducted adequate environmental review, which might have avoided or mitigated some or all of those impacts.

PROJECT BACKGROUND

23. In 1993, the Governor of California issued Executive order W-48-93 calling for establishment of a task force to study the feasibility of implementing a statewide high-speed rail

Comment Letter L002 - Continued

1 system. Shortly thereafter, the Governor signed Senate Concurrent Resolution 6 authorizing
2 creation of a nine-member Intercity High Speed Rail Commission (hereinafter, "Commission")
3 to study and develop a framework for implementing such a system over a 20-year time horizon.

4 24. In 1996, the Commission issued its final report. In that report, the Commission
5 summarized its study of a statewide high speed rail system and specifically of different potential
6 alignments for portions of that system. The report identified the Altamont Pass alignment for the
7 route between the Bay Area and the Central Valley as the preferred alternative, concluding that,
8 "The Panoche or Pacheco Passes would result in higher impacts than the Altamont Pass,
9 particularly impacts to wetlands and habitat for threatened and endangered species."

10 25. After its creation in 1996, the CHSRA prepared and, in or about the year 2000, adopted a
11 final High Speed Train System Business Plan. The CHSRA then moved forward toward the
12 production and certification of a Programmatic EIR/EIS on the broad outlines of the statewide
13 High Speed Rail system.

14 26. In or about January 2004, the CHSRA released its DPEIR/S for the statewide high
15 speed rail system. That DPEIR/S evaluated only two alternative alignments for access to the San
16 Francisco Bay Area: the Pacheco Pass Alignment and the Panoche Pass Alignment. The
17 DPEIR/S rejected an Altamont Pass Alignment as not meeting the purpose and need of the
18 project due to the need for a new Bay Crossing and the claimed reduction in train frequencies.

19 27. PETITIONERS, public agencies, other organizations, and individuals submitted
20 numerous comments on the DPEIR/S objecting to its failure to give serious consideration of the
21 Altamont Alignment option and pointing out the serious environmental problems inherent in the
22 Pacheco Alignment.

23 28. In or about December 2005, the CHSRA certified the FPEIR/S for the statewide high
24 speed rail system and approved the statewide project. In certifying the FPEIR/S for the statewide
25 high speed rail system and approving the project, the CHSRA specifically determined not to
26 choose an alignment for access to the San Francisco Bay area from the Central Valley, putting
27 that decision off for further study.

28
7
PETITION FOR WRIT OF MANDATE AND COMPLAINT

PROJECT HISTORY

1
2 29. The CHSRA resolution approving the statewide high speed rail system specifically
3 authorized CHSRA staff to prepare a separate programmatic EIR to study the options for a high
4 speed rail connection between the San Francisco Bay Area and the Central Valley portion of the
5 high speed rail system. It specifically mandated study of both the Pacheco Pass Alignment and
6 the Altamont Pass Alignment alternatives.

7 30. The DPEIR/S for the Project was prepared concurrently and in coordination with a
8 separate study undertaken by the Metropolitan Transportation Commission ("MTC"), the Bay
9 Area Rapid Transit District ("BART"), and the Caltrain Joint Powers Authority to develop a Bay
10 Area Regional Rail Plan. However, that effort did not involve any separate environmental
11 review component.

12 31. On or about July 16, 2007, CHSRA released the DPEIR/S for the project. The document
13 consisted of nine substantive chapters, totaling almost 800 pages of text, plus numerous tables,
14 diagrams, and figures. In addition to the document itself, CHSRA also released a series of
15 technical studies in support of the DPEIR/S. The initial comment period was set for sixty days.
16 Given the voluminous amount of material to be reviewed, numerous agencies, organizations, and
17 individuals requested an extension of the comment period. The comment period was
18 consequently extended until October 26, 2007.

19 32. PETITIONERS are informed and believe, and on that basis allege the following: that
20 prior to or during the time when the DPEIR/S for the Project was being prepared, CHSRA, either
21 directly or through its directors, staff, consultants and/or contractors, learned that the Union
22 Pacific Railway (hereinafter, "UP") strongly objected to the use of its right-of-way by the Project
23 or any other portion of the high speed rail system being planned by CHSRA. In part, this was
24 because UP was concerned about potentially severe public safety impacts that could be
25 associated with having its freight operations and the Project operating in the same right-of-way
26 or even in adjoining rights-of-way. UP communicated this concern to CHSRA. CHSRA also
27 became aware that UP insisted that the Project, as proposed, would have severe adverse impacts
28 on UP's ability to effectively conduct its freight operations in the future. Nevertheless, the

8
PETITION FOR WRIT OF MANDATE AND COMPLAINT

Comment Letter L002 - Continued

DPEIR/S failed to disclose UP's objections and concerns or any of the potential associated adverse environmental impacts.

33. PETITIONERS, their members, public agencies, organizations, and individuals submitted voluminous comments on the DPEIR/S for the Project. Many of those comments again raised questions about the fairness and adequacy of the DPEIR/S's analysis of the Pacheco Pass vs. Altamont Pass alignment alternatives. In addition, comments pointed up potential disruptive impacts of the Pacheco Pass alignment on areas throughout the San Francisco Bay Area and disputed the DPEIR/S's claim that its land use impacts would be minimal. Comments also suggested other previously-unanalyzed options for the Project alignment.

34. On or about November 14, 2007, CHSRA staff released a document entitled, "Summary of Public Hearings and Comment Period." The eight-page document purported to summarize the issues raised by comments submitted on the DPREIR/S on the Project. That same day, CHSRA staff also released a document entitled, "Staff Recommendations: Preferred Network Alternative, HST Alignment and Station Locations." Even though the time period for public review and comment on the DPEIR/S had already closed and even though responses to comments on the DPEIR/S had not yet been completed or provided to the CHSRA Board, the staff recommendations designated the Pacheco Alignment Alternative as the preferred alternative in the DPEIR/S, with the proviso that at an unspecified future date, with unspecified future funding, a lower speed regional rail link between the Central Valley and the East Bay through the Altamont Pass could be added. The Board purported to take no action on the staff recommendations.

35. On or about May 21, 2008, CHSRA released the FPEIR/S for the Project, consisting of three volumes: Volume I – the FPEIR/S itself; Volume II – the technical appendices to the FPEIR/S; and Volume III – comments received on the DPEIR/S and responses to those comments.

36. In or about June 2008, CHSRA released a document entitled, "Addendum/Errata to Final Program EIR/EIS for Bay Area to Central Valley Portion of the California HST System" (hereinafter, "Errata/Addendum"). The Errata/Addendum contained modifications to the

9

PETITION FOR WRIT OF MANDATE AND COMPLAINT

FPEIR/S's analyses of air quality and energy use. The Errata/Addendum was not circulated for public comment.

37. On or about July 8, 2008, CHSRA held a public hearing to receive comments on the FPEIR/S and on the Project. PETITIONERS and others submitted oral and written comments objecting to the certification of the FPEIR/S and the approval of the Project.

38. On or about July 9, 2008, after hearing staff-prepared responses to the comments received at the public hearing, the CHSRA Board voted to certify the FPEIR/S for the Project and to approve the Project.

39. On or about July 9, 2008 CHSRA filed a Notice of Determination for its approval of the Project.

CHARGING ALLEGATIONS**FIRST CAUSE OF ACTION**

Violation of CEQA and CEQA Guidelines – Certification of Legally Inadequate Environmental Impact Statement.

40. PETITIONERS hereby reallege and incorporate by reference the preceding paragraphs 1 through 38 as though fully set forth herein.

41. The Project required discretionary approval by CHSRA and was therefore a project under CEQA.

42. The Project did not qualify for any CEQA exemption and therefore required environmental review under CEQA.

43. CHSRA was the lead agency for environmental review of the Project under CEQA.

44. CHSRA determined that the Project had potential to cause significant adverse environmental impacts, and therefore determined to prepare a programmatic EIR for the Project.

45. CHSRA had a duty under CEQA to certify that the FPEIR/S for the Project satisfied all requirements under CEQA. CHSRA violated this duty by certifying the FPEIR/S for the Project where the FPEIR/S was deficient in the following respects:

10

PETITION FOR WRIT OF MANDATE AND COMPLAINT

Comment Letter L002 - Continued

Count One: Inadequate Project Description

46. An EIR is required to include an adequate description of the Project being considered. The description must be accurate and must contain sufficient detail to allow the reader of the EIR to understand the nature of the Project and its salient characteristics. The project description in the FPEIR/S was inadequate for the following reasons:

- The Project description failed to adequately describe the location of the Project, including relevant information on the location of the proposed right-of-way and station locations. In particular, the project description failed to indicate the degree of uncertainty as to where the Project right-of-way and stations would be located and contained conflicting information about the location of the Project right-of-way. In addition, the project description failed to indicate the extent the project would require acquisition of private property through eminent domain.
- The Project description failed to include relevant information about essential characteristics of the project, including specifically operational characteristics such as the projected ridership for the various alternative alignments along with a clear explanation of the methodology used to calculate those ridership figures.
- The Project description failed to include an explanation of what portions of projected ridership would occur regardless of whether the Project was approved or regardless of the alignment alternative chosen.
- The Project description failed to include a full tabulation, with explanations, of Project costs, including costs for each alternative or sub-alternative, methodologies for calculating those costs, and including the projected costs for tunnels through developed urban areas and costs for developing the ridership for each alternative (e.g., advertising costs, costs of incentives offered to employers, developers, etc.), as well as severance costs involved in taking portions of parcels by eminent domain.
- The Project description failed to include a tabulation of expected funding sources for the Project.

- The Project Description, as presented in the DPEIR/S circulated for public review and comment, failed to include information on the environmentally superior alternative and how it was chosen, thereby depriving the public of the opportunity to comment on the methodology used to identify that alternative.
- The project description failed to clearly explain the relationship of the project to the proposed regional rail service along the Altamont Alignment, including specifically the extent to which the two projects were and would be linked, both financially and operationally.

Accordingly, the approval of the Project and the certification of the FPEIR/S must be set aside.

Count Two: Failure to Fully Disclose and Adequately Analyze the Project's Significant Environmental Impacts.

47. The FPEIR/S failed to fully disclose or adequately analyze the significant growth-inducing impacts of the Pacheco Alignment in and around the areas south of San Jose, around Gilroy, and both east and west of Pacheco Pass. These impacts, both direct and indirect, would include:

- loss of valuable prime agricultural land;
- increased automotive traffic;
- increased energy consumption;
- promotion of inefficient "sprawl" development;
- promotion of development in the absence of adequate supporting infrastructure;
- loss of valuable wildlife habitat;
- destruction of wetlands and other valuable water resources;

48. The FPEIR/S fails to fully disclose or adequately analyze the Project's significant impacts associated with the use of UP and/or UP-shared right-of-way and/or the necessity of moving the Project away from the UP right-of-way, including the following:

- public health and safety impacts due to the potential for derailments on the UP freight line and subsequent collision of high speed trains with the derailed freight cars;

Comment Letter L002 - Continued

- displacement of residents and businesses if CHSRA was forced to relocate the Project right-of-way away from the UP right-of-way;
 - destruction of wetlands, wildlife habitat, and/or valuable prime agricultural lands if the CHSRA was forced to relocate the Project right-of-way away from the UP right-of-way;
 - Land use impacts through the division of existing communities if the Project right-of-way was moved away from the UP or UP-shared right-of-way so as to divide existing communities;
49. The FPEIR/S fails to fully disclose or adequately analyze the Project's significant impacts on jurisdictions it will traverse, including specifically cities on the San Francisco Peninsula bordering on the Caltrain right-of-way, including the following:
- noise, air quality, and vibration impacts on portions of the jurisdictions near the Caltrain right-of-way from the construction and operation of the Project;
 - land use impacts in dividing existing communities if CHSRA is forced to move the Project away from the Caltrain right-of-way in order to protect UP freight use of the Caltrain right-of-way, as well as land use impacts from further visually and physically dividing communities by the widened and possibly elevated structures along the high speed rail right-of-way;
 - displacement of residents and businesses if CHSRA was forced to relocate the Project right-of-way away from the Caltrain right-of-way;
 - impacts through the destruction of existing vegetation, including many mature trees along the proposed Pacheco Pass alignment.
 - Visual impacts from placement of the high speed rail right-of-way, including specifically visual impacts from possible elevated structures and/or soundwalls.
50. The FPEIR/S fails to fully disclose or adequately analyze the Project's significant air quality impacts, including specifically its impact through production of greenhouse gases and contribution to global warming;

51. The FPEIR/S fails to fully disclose or adequately analyze the Project's significant impacts on traffic and public transportation.

52. The FPEIR/S fails to fully disclose or adequately analyze the Project's significant impacts on agricultural lands, including both impacts through the taking of agricultural lands, impacts from severance of agricultural land, and indirect agricultural impacts due to induced sprawl development

53. The FPEIR/S fails to fully disclose or adequately analyze the Project's significant impacts on biological resources, including the direct and indirect impacts on wildlife habitat, threatened, endangered, or otherwise protected species, wetlands areas, and other unique or valuable biological resources.

54. The FPEIR/S fails to fully disclose or adequately analyze the Project's significant land use impacts, including impacts due to incompatibility with existing or planned land uses, inconsistency with zoning or general plan designations, and impacts on Section 4(f) or 6(f) resources.

55. The FPEIR/S fails to fully disclose or adequately analyze the Project's significant cumulative impacts. Accordingly, the approval of the Project and the certification of the FPEIR/S must be set aside.

Count Three: The FPEIR/S Failed to Adequately Mitigate the Project's Significant Impacts.

56. Especially because the FPEIR/S failed to adequately assess and identify the Project's significant impacts, the FPEIR/S failed to adequately identify appropriate measures to mitigate the Project's significant impacts. Even in those cases where the FPEIR/S identified a significant impact and identified measures to mitigate that impact, the mitigation measures were often inadequate and, in many cases so poorly described as to make it impossible to determine whether the measure was even feasible. For example, the FPEIR/S, as mitigation for potentially significant Project land use impacts, calls for, "Continued coordination with local agencies. Explore opportunities for joint and mixed-use development at stations. Relocation assistance

Comment Letter L002 - Continued

during future project-level review. Overall mitigation strategies for affected land uses and in EJ areas.” (FPEIR/S, p. 9-8.)

57. Consequently, the FPEIR/S often improperly determined that the identified measures were sufficient or potentially sufficient to mitigate Project impacts to a level of insignificance when the evidence in the record failed to support that determination. Accordingly, the approval of the Project and the certification of the FPEIR/S must be set aside.

Count Four: The FPEIR/S Failed to Include an Adequate Analysis of Project Alternatives.

58. Under CEQA, an EIR must include an adequate analysis of feasible project alternatives.

59. In addition to the statutorily-mandated no project alternative, the FPEIR/S included two basic alternative alignment alternatives, Pacheco Pass and Altamont Pass, although each of these alignment alternatives included numerous sub-alternatives for various portions of the route. For example, the Pacheco Pass Alternative included sub-alternatives traversing the area east of Pacheco Pass either along a southerly “Henry Miller Road” alignment or a northerly “Grasslands Ecological Area North” alignment. Similarly, the Altamont Pass alignment included sub-alternatives using either an elevated bridge near the existing Dumbarton Rail Bridge or a new tunnel between Oakland and San Francisco to traverse San Francisco Bay between the East Bay and San Francisco.

60. While the FPEIR/S purported to provide a fair, objective and complete comparison of these two project alternatives, the analysis was inadequate, inaccurate, incomplete and biased, thereby making a fair comparison of the two major alternatives impossible. This violated the basic purpose of the analysis of alternatives under CEQA.

61. The FPEIR/S’s analysis of the Altamont Pass Alternatives inaccurately portrayed the operational characteristics of those alternatives in a way that resulted in significantly underestimating the potential ridership for those alternatives, thereby unfairly penalizing the Altamont Alternatives compared to the Pacheco Alternatives.

62. The FPEIR/S improperly and unfairly discounted and found infeasible the potential for the Altamont Alternative to rebuild the Dumbarton Rail Bridge in a way so that it could be used by both Caltrain Dumbarton Rail Project trains and High Speed Rail trains.

15

PETITION FOR WRIT OF MANDATE AND COMPLAINT

63. The FPEIR/S improperly and unfairly overemphasized the aquatic impacts of building a new rail bridge at the site of the existing Dumbarton Rail Bridge and discounted the likelihood of being able to obtain environmental clearance for such a bridge as part of an Altamont Pass alignment alternative; while, at the same time, underestimating the aquatic, wetlands, and wildlife impacts of the Pacheco Pass alignment alternative’s crossing of the Grasslands Ecological Area and discounting the difficulty of obtaining environmental clearance for such a crossing.

64. The FPEIR/S improperly and unfairly overemphasized the impacts of running the high speed rail alignment through the cities of Pleasanton and Fremont as part of an Altamont Pass alignment alternative, while, at the same time, underemphasizing the impacts of running the high speed rail alignment through the developed urban jurisdictions along the San Francisco Peninsula, including specifically Atherton, Menlo Park, Palo Alto, Mountain View, Sunnyvale, and Santa Clara, as well as portions of San Jose. In addition, by not disclosing the absence of undeveloped land outside the UP corridor south of San Jose’s Diridon Station, the FPEIR/S underemphasized the impacts of running the high speed rail alignment through portions of San Jose south of that station.

65. Both ATHERTON and MENLO PARK, in their comments on the DPEIR/S, proposed study of an additional alignment alternative along the San Francisco Peninsula, running within or along the Caltrans right-of way for Highway 280. The FPEIR/S failed to adequately discuss this alternative alignment.

66. The FPEIR/S’s unfair, incomplete, and biased analysis of project alternatives violated CEQA’s requirement that the discussion of project alternatives allow the decision makers and the public the information needed to make an informed decision. Accordingly, the approval of the Project and the certification of the FPEIR/S must be set aside.

Count Five: Failure to Adequately Respond to Comments on the DPEIR/S

67. An EIR must include adequate written responses to all comments, both oral and written, received by the lead agency during the public comment period. The FPEIR/S was inadequate because the responses to many of the comments received by the lead agency during the public

16

PETITION FOR WRIT OF MANDATE AND COMPLAINT

Comment Letter L002 - Continued

comment period were inadequate. In many cases, the responses were perfunctory or conclusory, and in other cases the responses were not supported by substantial evidence. In the case of MENLO PARK, the comment letter was not even included in the FPEIR/S and was not responded to at all. Accordingly, the approval of the Project and the certification of the FPEIR/S must be set aside.

SECOND CAUSE OF ACTION

Violation of CEQA and CEQA Guidelines – Failure to recirculate DPEIR/S in response to new information and/or changed circumstances

68. PETITIONERS hereby reallege and incorporate by reference the allegations in the preceding paragraphs 1 through 66 inclusive as though fully set forth herein.

69. CEQA requires that a draft EIR be recirculated for an additional round of public comment if changes to the document after the close of the previous comment period result in the addition of significant new information. In addition, recirculation is required if new circumstances have arisen after the close of the previous public comment period that would require substantial revision to the EIR. CHSRA violated its duty under CEQA by refusing to recirculate the DPEIR/S for public comment after changes to the EIR resulting in addition of significant new information on air quality and energy use impacts, and specifically the Project's impacts on global warming.

70. CHSRA violated its duty under CEQA by refusing to recirculate the DPEIR/S for public comment after it was publicly revealed that UP had raised strong objections to CHSRA's use of its right-of-way or adjoining property for the Project right-of-way and raised serious concerns about significant public safety impacts not previously identified in the DPEIR/S. Accordingly, the approval of the Project and the certification of the FPEIR/S must be set aside.

THIRD CAUSE OF ACTION

Violation of CEQA and CEQA Guidelines – Failure of CEQA Findings to be Supported by Substantial Evidence

17

PETITION FOR WRIT OF MANDATE AND COMPLAINT

71. PETITIONERS hereby reallege and incorporate by reference the preceding paragraphs 1 through 69 inclusive as though fully set forth herein.

72. CEQA requires that an agency approving a Project for which an EIR was prepared and significant impacts were identified adopt findings explaining and justifying its actions. (Public Resources Code §21081.) Those findings must be supported by substantial evidence in the record. CHSRA violated this duty to prepare and approve adequate CEQA findings in support of its decision to approve the Project in that the findings were not supported by substantial evidence. Accordingly, the approval of the Project must be set aside.

FOURTH CAUSE OF ACTION

DECLARATORY RELIEF – Code of Civil Procedure §1060

73. PETITIONERS hereby reallege and incorporate by reference the preceding paragraphs 1 through 71 as though fully set forth herein.

74. An actual controversy and dispute exists between PETITIONERS and CHSRA regarding the Project approval's compliance with CEQA and the CEQA Guidelines. PETITIONERS allege that the Project approval failed to comply with CEQA and/or the CEQA Guidelines, while PETITIONERS are informed and believe, and on that basis allege, that CHSRA believes that the Project approval did fully comply with both CEQA and the CEQA Guidelines.

75. PETITIONERS seek a judicial declaration that the Project approval failed to comply with the requirements of CEQA and/or the CEQA Guidelines.

76. An actual controversy and dispute exists between PETITIONERS and CHSRA regarding the FPEIR/S's compliance with CEQA and the CEQA Guidelines. PETITIONERS allege that the FPEIR/S failed to comply with CEQA and/or the CEQA Guidelines, while PETITIONERS are informed and believe, and on that basis allege, that CHSRA believes that the FPEIR/S did fully comply with both CEQA and the CEQA Guidelines.

77. PETITIONERS seek a judicial declaration that FPEIR/S failed to comply with CEQA and/or the CEQA Guidelines.

78. An actual controversy and dispute exists between PETITIONERS and CHSRA regarding the adequacy of the CEQA findings made by CHSRA in support of the Project approval.

18

PETITION FOR WRIT OF MANDATE AND COMPLAINT

Comment Letter L002 - Continued

PETITIONERS allege that said findings were invalid because they were not supported by substantial evidence in the record, while PETITIONERS are informed and believe, and on that basis allege, that CHSRA believes that said findings were fully adequate and valid.

79. PETITIONERS seek a judicial declaration that the CEQA findings made by CHSRA in support of its approval of the Project were invalid because they were not supported by substantial evidence in the record.

PRAYER FOR RELIEF

WHEREFORE, PETITIONERS pray for relief as follows:

1. For this Court's peremptory writ of mandate ordering CHSRA to:
 - (a) vacate and set aside its determinations approving the Project, including its determination to choose the Pacheco Pass alignment for the Project;
 - (b) vacate and set aside its certification of the FPEIR/S for the Project; remanding the Project and its environmental review under CEQA to CHSRA for reconsideration in accordance with this Court's determination and final judgment.
2. For this Court's temporary restraining order and preliminary injunction restraining CHSRA, its agents, servants and employees, and all others acting in concert with it or in its behalf, from taking any action to move forward on implementing the project pending a final decision on the merits by this Court.
3. For this Court's permanent injunction restraining CHSRA, its agents, servants and employees, and all others acting in concert with it or in its behalf, from undertaking any activity or activities that could result in any change or alteration in the physical environment until CHSRA has fully complied with this Court's writ of mandate and judgment and taken all required actions that may be necessary to bring the FEIR and all planning permit approvals into compliance with CEQA, Code of Civil Procedure section 1094.5, and all other requirements of law.
4. For this Court's declarations that:
 - a. the Project approval violated CEQA and/or the CEQA Guidelines as set forth in this Petition and Complaint;

- b. the certified FPEIR/S for the Project failed to meet the requirements of CEQA and/or the CEQA Guidelines; and
 - c. the CEQA findings for the Project approval were not supported by substantial evidence in the record.
5. For its costs of suit.
 6. For an award of attorneys' fees under C.C.P. §1021.5 or other applicable basis.
 7. For such other equitable and/or legal relief as the Court considers just and proper.

DATED August 7, 2008

Law Offices of Stuart M. Flashman
Law Offices of Jeff Hoffman
Attorneys for Petitioners and Plaintiffs

By: Stuart M. Flashman
Stuart M. Flashman

Comment Letter L002 - Continued**VERIFICATION**

I, David Schonbrunn, am the President of the Transportation Solutions Defense and Education Fund, which is a petitioner and plaintiff in the above petition and complaint, and I make this verification on its behalf and with its authorization. I have read the foregoing Petition and Complaint and am familiar with the matters alleged therein. All facts alleged in this complaint are true of my own personal knowledge except as to facts that are alleged on information and belief, and as to them I am informed and believe they are true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Verification was executed on August 7, 2008 at San Francisco, California.

David Schonbrunn
David Schonbrunn

Exhibit A

Comment Letter L002 - Continued

Law Offices of
Stuart M. Flashman
5626 Ocean View Drive
Oakland, CA 94618-1533
(510) 652-5373 (voice and FAX)
e-mail: stu@stufash.com

August 7, 2008

Mr. Mehdi Morshed, Executive
Director
California High Speed Rail
Authority
925 L Street, Suite 1425
Sacramento, CA 95814

RE: Notice of Intent to Initiate Litigation (Bay Area to
Central Valley High Speed Train Project).

Dear Mr. Morshed,

Please take notice that the Town of Atherton, the Planning
and Conservation League, the City of Menlo Park, the
Transportation Solutions Defense and Education Fund, the
California Rail Foundation, and the BayRail Alliance intend to
file suit against the California High Speed Rail Authority
challenging its approvals for the above-referenced project and
its associated environmental review. The lawsuit will allege
violations of the California Environmental Quality Act in
connection with those approvals.

Most sincerely,

Stuart M. Flashman
Law Offices of Stuart M. Flashman

Jeff Hoffman
Law Office of Jeff D. Hoffman

Attorneys for the Town of
Atherton, the Planning and
Conservation League, the City of
Menlo Park, the Transportation
Solutions Defense and Education
Fund, the California Rail
Foundation, and the BayRail
Alliance

By: Stuart M. Flashman
Stuart M. Flashman

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and a resident of Alameda County. I am over the age
of eighteen years and not a party to the within above titled action. My business address is
5626 Ocean View Drive, Oakland, CA 94618-1533.

On August 8, 2008, I served the within NOTICE OF INTENT TO INITIATE
LITIGATION on the party listed below by placing a true copy thereof enclosed in a
sealed envelope with first class postage thereon fully prepaid, in a United States Postal
Service mailbox at Oakland, California, addressed as follows:

Mr. Mehdi Morshed, Executive Director
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

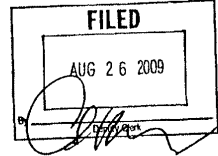
I, Stuart M. Flashman, hereby declare under penalty of perjury under the laws of the State
of California that the foregoing is true and correct.

Executed at Oakland, California on August 8, 2008.

Stuart M. Flashman
Stuart M. Flashman

Comment Letter L002 - Continued

ATTACHMENT C



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

<p>TOWN OF ATHERTON, a Municipal Corporation, PLANNING AND CONSERVATION LEAGUE, a California nonprofit corporation, CITY OF MENLO PARK, a Municipal Corporation, TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION FUND, a California nonprofit corporation, CALIFORNIA RAIL FOUNDATION, a California nonprofit corporation, and BAYRAIL ALLIANCE, a California nonprofit corporation, and other similarly situated entities,</p> <p>Petitioners and Plaintiffs,</p> <p>v.</p> <p>CALIFORNIA HIGH SPEED RAIL AUTHORITY, a public entity, and DOES 1-20, inclusive,</p> <p>Respondents and Defendants.</p>	<p>Case No. 34-2008- 80000022</p> <p>RULING ON SUBMITTED MATTER</p>
--	---

This matter came on for hearing on May 29, 2009. The matter was argued and submitted. The Court took the matter under submission. The Court, having considered the papers, the administrative record which was admitted into evidence

at the hearing, and the arguments of the parties, makes its ruling as follows.

Petitioners challenge the decision of respondent and defendant California High Speed Rail Authority ("CHSRA" or "the Authority") to approve the Bay Area to Central Valley High Speed Train Project ("the Project"), including specifically choosing an alignment for the Project. Respondent chose an alignment running through Pacheco Pass rather than the other major alternative alignment which ran through Altamont Pass.

Petitioners contend that respondent has not provided legally adequate review under the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA"). Petitioners contend that respondent's actions are illegal as they violate CEQA and the California Code of Regulations, Title 14, section 15000 et seq. ("CEQA Guidelines").

Petitioners contend that the Final Program Environmental Impact Report ("FPEIR") for the Project was inadequate in several respects. They contend that it failed to include an adequate description of the project and feasible alternatives. They contend it failed to adequately identify and mitigate the Project's significant impacts, and that its alternatives analysis was inadequate and improperly predisposed towards the Pacheco alignment. Petitioners also contend that respondent Authority improperly refused to recirculate the Draft Program Environmental Impact Report ("DPEIR") after Union Pacific Railroad announced it was unwilling to allow use of its right-of-way, and that

Comment Letter L002 - Continued

respondent Authority failed to consider or respond to Menlo Park's comment letter on the DPEIR.

I. STANDARD OF REVIEW

Petitioners contend that this challenge is governed by Public Resources Code section 21168. Petitioners contend that under that standard of review, "the courts' inquiry shall extend only to whether there was a prejudicial abuse of discretion. Such an abuse is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence." (Petitioners' opening brief, 8:24-9:2, citing *Ebbets Pass Forest Watch v. California Dept. of Forestry & Fire Protection* (2008) 43 Cal.4th 936, 944.)

Respondent contends that its action was quasi-legislative and that review is governed by Public Resources Code section 21168.5, which limits the Court's inquiry to whether there was a prejudicial abuse of discretion. Respondent states that under this standard, a prejudicial abuse of discretion is established if the agency has not proceeded in a manner required by law or if the decision is not supported by substantial evidence. Respondent further states that a prejudicial abuse of discretion is established if the agency has not proceeded in a manner required by law or if the decision is not supported by substantial evidence. (Respondent's brief in Opposition to Petition, 6:25-7:3, citing *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564 [Goleta II].)

The Court concludes that respondent's action was quasi-legislative and that review is governed by Public Resources

3

Code section 21168.5. However, the two code sections embody essentially the same standard of review, i.e., whether substantial evidence supports the agency's determination. (*Laurel Heights Improvement Assn. v. Regents of the University of California* ("Laurel Heights II") (1993) 6 Cal.4th 112, 1133, fn. 17; *Laurel Heights Improvement Assn. v. Regents of the University of California* ("Laurel Heights I") (1988) 47 Cal.3d 376, 392, fn. 5.) Thus petitioner's reliance on section 21168 in its brief does not affect the outcome of this case.

An EIR is presumed adequate, and the plaintiff in a CEQA case has the burden of proving otherwise. (*Al Larson Boat Shop v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 749.)

II. ADEQUACY OF THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE PROJECT

A. WHETHER THE FPEIR FAILED TO INCLUDE AN ADEQUATE DESCRIPTION OF THE PROJECT AND FEASIBLE ALTERNATIVES

1. One of petitioners' principal contentions is that the project description in the FPEIR failed to provide sufficient detail on the Pacheco alignment to determine the project's impacts in displacing residents and businesses. The FPEIR and the Authority's findings assume that most, if not all, of the proposed high-speed rail line in the area between San Jose and Gilroy would be built within existing right-of-way, "the existing Caltrain corridor." (AR A000031; see also B004187.) However, Union Pacific Railroad had informed the Authority just prior to the publication of the FPEIR that it would not allow the Authority to use any of its right-of-way for the Project. (AR E000027.) And

4

Comment Letter L002 - Continued

after the FPEIR was released, but before the Authority certified the FPEIR and made the related findings and decisions, Union Pacific submitted a longer letter reiterating its unwillingness to share its tracks with High-Speed Rail vehicles. (AR E000003-E000004.)

However, the FPEIR appears to show that the portion of the chosen Pacheco alignment between San Jose and Gilroy follows the Union Pacific right-of-way (AR B003944, B003955, B003961, B005105-5109, B006293.) In many places it shares the right-of-way with the Union Pacific line (e.g., AR B005292, B005298, B005300) and is sandwiched between the Union Pacific right-of-way and Monterey Road/Highway (AR B005300, G001425-G001437). If Union Pacific will not allow the Authority to use its right-of-way, it appears it will be necessary for the Authority to obtain additional right-of-way outside of this area, requiring the taking of property and displacement of residents and businesses. However, none of this was addressed in the FPEIR.

Respondent argues that a programmatic EIR does not need to contain a high degree of detail, and that detailed information can be deferred to a later site-specific project EIR. (CEQA Guidelines, sections 15146, 15152; *In re Bay Delta Programmatic Environmental Impact Report Cases* (2008) 43 Cal.4th 1143, 1169-1172.) Respondent contends that the Project description in the FPEIR contains an adequate level of detail for a programmatic EIR. It argues that this EIR was intended to support the Authority in making the fundamental choice of a preferred alignment and station locations, but not select a precise footprint for high speed train facilities. More importantly, respondent argues, the

5

FPEIR does not assume use of the Union Pacific right-of-way between San Jose and Gilroy, but rather that it depicts the HST tracks adjacent to Union Pacific's right-of-way; see, e.g., Figure PP-6 at B005292. Respondent contends that this figure also shows there is room for the HST tracks between the Union Pacific right-of-way and Monterey Highway (B005292).

Petitioners contend that Figure PP-6 (AR B005292) identifies "Existing ROW" for "Monterey Road" but does not explicitly identify the existing right-of-way for the UP tracks. Petitioners contend that Figures PP-12 (AR B005296) and PP-14 (AR B005298), by contrast, clearly show the HST right-of-way as lying within that existing right-of-way. Several maps show little room between the existing UP tracks and the Monterey Highway (e.g. AR G001432-G001435.) Respondent, in oral arguments, argued a different interpretation of Figure PP-14.

The Court concludes that the description of the alignment of the HSR tracks between San Jose and Gilroy was inadequate even for a programmatic EIR. The lack of specificity in turn results in an inadequate discussion of the impacts of the Pacheco alignment alternative on surrounding businesses and residences which may be displaced, construction impacts on the Monterey Highway, and impacts on Union Pacific's use of its right-of-way and spurs and consequently its freight operations.

2. Petitioners contend that the project description failed to provide an adequate explanation or delineation of the project's costs. They contend that the cost estimates in the FPEIR were inaccurate and skewed to favor the Pacheco

6

Comment Letter L002 - Continued

1 Pass alignment alternative by significantly understating the
2 acquisition costs for permanent right-of-way and temporary
3 construction-period right-of-way. They also contend that
4 the cost analyses for Altamont Pass alignment alternatives
5 considered only the cost of a new high or low bridge but not
6 the option of "piggybacking" on the existing Dumbarton rail
7 bridge.

8 The authorities cited by petitioners do not require
9 project cost information to be in an EIR; case authority
10 does, however, hold that cost information is required to
11 support a lead agency's CEQA findings when it rejects
12 alternatives as economically infeasible. (*Uphold Our*
13 *Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587;
14 *Citizens of Goleta Valley v. Board of Supervisors* ("Goleta
15 *I*") (1988) 197 Cal.App.3d 1167.) The Authority did not
16 reject all of the Altamont alternatives as economically
17 infeasible. Furthermore, the Court finds that the FPEIR's
18 cost information is supported by substantial evidence. The
19 evidence includes Chapter 4 (B004624-647) which in turn
20 refers to Appendices 4A and B (B005971-6086, B006087-6180);
21 and Appendix D (B004637; B004646; B006243).

22 3. Petitioners contend that the FPEIR failed to
23 accurately and impartially describe the operating
24 characteristics of the project alternatives. They contend
25 that the FPEIR failed to accurately describe the frequency
26 of service for the Altamont and Pacheco alternatives in that
27 it did not consider "train-splitting."

28 The Court finds that the EIR provides an adequate
description of HSR operations, supported by substantial
evidence. The ridership forecasts were developed by experts

7

1 in the field of transportation modeling and were subject to
2 three independent peer review panels. (See C001886-88,
3 C001879-964, C001954-60, E004118-148; E004149-187; E004188-
4 97.) Substantial evidence supports respondent's approach of
5 not using train-splitting on main trunk service. Evidence
6 in the record, including evidence submitted by petitioners,
7 shows that train-splitting and coupling is operationally
8 disruptive, and that while some HST systems worldwide use
9 train-splitting and coupling, the use is very limited. (See
10 B004716, B006694, B008032, B008035-36, B008037.)

11 Petitioners also contend that the FPEIR failed to
12 adequately and fairly describe the ridership of the Altamont
13 and Pacheco alternatives. They contend the Pacheco
14 alignment would not draw significant additional recreational
15 ridership because the limited number of stops on the HSR
16 would make it less attractive than the already-existing
17 Caltrain "baby bullet" route, and any additional ridership
18 would be at the expense of Caltrain ridership rather than
19 taking cars off the road.

20 The Court finds that the ridership modeling and
21 forecasts performed by the Authority and the MTC are
22 substantial evidence to support the FPEIR's description of
23 the Pacheco alternative as having higher "recreational and
24 other" ridership than Altamont pass. The ridership analysis
25 concluded that it taps into a very wide market in Santa
26 Clara County (B006696) and also creates a sizeable HST
27 market to and from the Monterey Bay area, a market virtually
28 non-existent for the Altamont Pass alternative (B006695).
The ridership analysis also suggests that some individuals
will pay a premium to ride the HST rather than Caltrain in

8

Comment Letter L002 - Continued

1 this corridor based on the service being faster and more
 2 reliable. (B006696.)

3 B. WHETHER THE FPEIR AND THE AUTHORITY'S FINDINGS
 4 FAILED TO ADEQUATELY IDENTIFY AND MITIGATE THE PROJECT'S
 5 SIGNIFICANT IMPACTS

6 Petitioners contend the Authority understated the
 7 project's potentially significant impacts and overstated the
 8 degree to which those impacts would be adequately
 9 mitigated. Petitioners' primary contentions regarding
 10 impacts concern biological impacts, growth-inducing impacts,
 11 and local impacts along the San Francisco Peninsula (noise,
 12 vibration, visual, taking of property and severance impacts,
 13 and impacts on mature and heritage trees).

14 1. Exhaustion of administrative remedies:
 15 Respondent contends that petitioners failed to exhaust
 16 administrative remedies as to any defect in the respondent's
 17 CEQA findings on impacts and mitigation, and that therefore
 18 the exhaustion of administrative remedies doctrine codified
 19 in Public Resources Code section 21177 bars petitioners'
 20 claim that respondent's CEQA findings on impacts and
 21 mitigation are not supported by substantial evidence. The
 22 authorities cited by respondent, including *Mira Mar Mobile*
 23 *Community v. City of Oceanside* (2004) 119 Cal.App.4th 447,
 24 do not support respondent's contention that it was necessary
 25 to specifically object to proposed findings. The Court
 26 concludes that the criticisms, comments and objections made
 27 to the EIR were sufficient to exhaust administrative
 28 remedies as to the issues raised in this case.

2. Biological impacts: Petitioners contend that
 the analysis and mitigation of the impacts to the Grasslands

9

1 Ecological Area ("GEA") along the Pacheco alignment and to
 2 the Don Edwards National Wildlife Refuge ("Refuge") along
 3 the Altamont alignment were not adequate, were neither equal
 4 nor impartial, and were lacking in detail. Petitioners also
 5 contend that certain factors are considered for the GEA but
 6 not for the Refuge, and that respondent did not adequately
 7 consider comments that replacing an existing bridge
 8 embankment with an elevated structure on piles would
 9 actually enhance conditions in the Refuge.

10 The Court finds that substantial evidence supports
 11 respondent's treatment of biological impacts to the GEA and
 12 the Refuge. The impacts analysis and mitigation section of
 13 the EIR (see generally AR B004462-4538), read together with
 14 the responses to comments (see B006584 et seq.; G000807-
 15 00814 [Summary of Key Issues on the DPEIR]) constitutes an
 16 adequate and impartial analysis of the biological impacts on
 17 the two areas. The same methodology was used throughout the
 18 area. The level of detail was adequate for a programmatic
 19 EIR. The FPEIR's identification of a more detailed
 20 mitigation strategy for the GEA (AR B004537) but not for the
 21 Refuge is not unreasonable because the lands within the
 22 Refuge boundary are already protected. The record does not
 23 support petitioners' contention that the inclusion of a more
 24 detailed mitigation strategy for the GEA and not the Refuge
 25 was the cause of concerns expressed by the U.S. Fish and
 26 Wildlife Service (B006366) and the U.S. Environmental
 27 Protection Agency (B006358) about use of areas within the
 28 refuge.

3. Growth-inducing impacts: Petitioners contend
 that the analysis of growth-inducing impacts was not

10

Comment Letter L002 - Continued

adequate. They contend that there was not a sufficient analysis of the impacts in three rural counties—San Benito, Santa Cruz, and Monterey Counties. Petitioners contend that the HSR will extend the area in which existing employees can live and commute to a job in a distant urban center, and that such growth is not analyzed in the FPEIR. Instead, there was analysis as to eleven other counties and San Benito, Santa Cruz, and Monterey Counties were merely included in “the rest of California.”

The Court finds that the FPEIR contains an analysis of growth-inducing impacts which is sufficient to satisfy CEQA. (Pub. Resources Code, sec. 21100, subd. (b)(5); CEQA Guidelines, sec. 15126(d), 15126.2(d).) Nothing in the Guidelines or in the cases requires more than a general analysis of projected growth. (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 369.) Respondent relied on established modeling programs, the Transportation and Economic Development Impact System (TREDIS) and the California Urbanization and Biodiversity Analysis (CURBA). Stations will be located in already-urbanized areas and thus the bulk of the growth increase will occur in already urbanized areas. Petitioners’ claim that the HSR will result in greater development in the three more distant rural counties is based on speculation, not matters as to which they have technical expertise or which are based on relevant personal observations. (See *Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572, 583.) Respondent’s responses to comments explained that the system would not result in a significant increase in commute accessibility to the Bay Area for a

11

number of reasons, including the limited number of stations, the localized accessibility benefits provided by these limited stations, the lack, of local transit options in outlying areas, the higher cost of HST use for shorter trips compared to auto use, and time considerations. (B006647-48; B006712-13.) The Court finds the analysis to be sufficient.

4. Local impacts along the San Francisco Peninsula

Petitioners contend that the Project will result in significant noise, vibration, and visual impacts; that it will result in significant land use impacts, including specifically taking of property and severance impacts; and that it will impact mature and heritage trees along the right-of-way:

a. Noise, Vibration, and Visual Impacts

Petitioners contend that section 3.4 of the FPEIR, addressing the project’s noise and vibrational impacts, failed to identify specific quantifiable standards or criteria used to determine whether the impacts would be significant, and that it identified qualitative criteria but failed to provide evidence by which the public could determine whether these criteria had been met. Further, respondent found that vibrational impacts would be reduced to a level of insignificance (AR000024), but petitioners contend there is no evidence in the record to support this finding.

12

Comment Letter L002 - Continued

1 As for noise and vibration impacts, petitioners contend
2 that the FPEIR does not provide appropriately detailed
3 information to show that noise impacts will be reduced below
4 a level of significance. The FPEIR also identifies the need
5 for extensive soundwalls of up to 16 feet in height, but
6 petitioner contends respondent does not address the
7 potential visual impact of these barriers and improperly
8 puts off consideration of such impacts to the project level
9 environmental review.

10 The Court finds that the FPEIR contains an adequate
11 level of detail regarding noise for a program EIR. The
12 analysis used Federal Railroad Administration and Federal
13 Transit Administration criteria and tools to assess noise.
14 (B004100-4105.) The FRA manual contemplates that the
15 evaluation will first look at general questions.
16 (C008070.) It concluded that grade separations at existing
17 crossings would result in noise benefits, and listed
18 mitigation strategies, including design practices, to reduce
19 impacts. (B004120-4137.)

20 The FPEIR also considered all HST alternatives to
21 result in significant noise and vibration impacts for
22 purposes of the programmatic analysis. (B004129.) It noted
23 that more detailed mitigation strategies for noise and
24 vibration impacts would be developed in the next stage of
25 environmental analysis. (B004129-30.) Response to comments
26 noted that project-level environmental review will consider
27 design and profile variations to reduce impacts, as well as
28 design options for noise barriers. (B006480, B006538-40.)
The FRA manual identifies means of mitigating vibrational

1 impacts (C008147; C008176-8180) and noise impacts (C008085,
2 C008117-8122).

3 However, with regard to vibration impacts, the FPEIR
4 states:

5 "Although mitigation measures will
6 reduce vibration impact levels, at the
7 programmatic level it is *uncertain*
8 *whether the reduced vibration levels*
9 *will be below a significant impact.* The
10 type of vibration mitigation and
11 expected effectiveness to reduce the
12 vibration impacts of the HST Alignment
13 Alternatives to a less-than-significant
14 level will be determined as part of the
15 second-tier project-level environmental
16 analyses." (B004131 [emphasis added].)

17 Nevertheless, the Authority, in its CEQA Findings of
18 Fact, found that, as to the impact of vibrations, specified
19 mitigation strategies "will reduce this impact to a less-
20 than significant level." (A000025 [emphasis added].)

21 The Court finds that in light of this contradiction
22 between the FPEIR and the CEQA Findings, the Authority's
23 finding that the mitigation strategies will reduce the
24 vibration impact to a less-than-significant level is not
25 supported by substantial evidence.

26 Visual impacts: The FPEIR recognizes that sound
27 barriers may be necessary mitigation measures along some
28 portions of the HST route through the Peninsula.
Petitioners contend that the visual impacts of these
barriers should have been analyzed in more detail. However,
the extent to which noise barriers would be used could not
be known until the next stage of environmental analysis,
when engineering and design considerations will be applied
on a site-specific basis. (B004129-30.) Sound barriers are

Comment Letter L002 - Continued

discussed in FPEIR section 3.9, Esthetics and Visual Resources, along with mitigation strategies. (B004305-4307.) Visual and esthetic impacts were considered significant and unavoidable. (B004307.) The FPEIR identified subsequent analysis which should be performed. (Id.) Respondent found that as part of the site-specific design, many of the impacts on aesthetics and visual resources can be avoided or substantially mitigated, but that it did not have sufficient evidence to make that determination on a program-wide basis. Therefore, for purposes of this programmatic EIR, esthetic and visual impact was considered significant and unavoidable. (A000041.) Respondent adopted a Statement of Overriding Considerations. (A000104-109.)

The Court finds that petitioners have failed to establish that respondent failed to adequately analyze the visual impacts of the Project or that it otherwise abused its discretion.

b. Land Use Impacts

Petitioners contend that the Project will result in significant land use impacts, including taking of property and severance impacts. Atherton contended in its comment letter that the proposed four-track alignment would result in the need to take additional property beyond the existing right-of-way. (B006530.) However, the response to this comment (B006537-40) and the CEQA findings (A000029-33) indicated that the HST tracks were expected to fit within the Caltrain right-of-way.

As discussed elsewhere in this Court's ruling, Union Pacific has stated it is unwilling to allow its right-of-way

to be used for the project. The need for the taking of additional property is a related issue that will be required to be analyzed in connection with further analysis of the impact of Union Pacific's denial of use of its right-of-way.

c. Mature and Heritage Trees

Petitioners contend that the Project will impact mature and heritage trees along the right-of-way. But the FPEIR's response to Atherton's comments indicates, in part, that a more detailed review of the impacts on mature and heritage trees would be performed at a project level environmental review (B06538) and that the HST is not expected to require the removal of trees along the right-of-way in Atherton (B006538).

The Court finds that respondent did not need to conduct a more detailed review of the impacts on trees at this level and properly deferred such analysis to project-level environmental review.

C. WHETHER THE FPEIR'S ALTERNATIVES ANALYSIS WAS INADEQUATE AND IMPROPERLY PREDISPOSED TOWARDS THE PACHECO ALIGNMENT

Petitioners contend that the Authority's findings improperly determined that all Altamont alternatives were infeasible. Petitioners contend that it improperly determined that there were cost and regulatory obstacles to a Dumbarton Bay crossing; that the decision to eliminate several Altamont choices because of lower ridership and frequency of service was not supported by substantial evidence; and that construction difficulties for the Altamont alternatives should not have been the basis for

Comment Letter L002 - Continued

1 eliminating those alternatives. Petitioners contend
2 solutions and answers existed to meet each of the issues.
3 Petitioners further contend that the Authority's decision to
4 dismiss an alternative using the median of U.S. Highway 101
5 or I-280 through the Peninsula without analysis violated
6 CEQA.

7 The Court finds that the FPEIR studied a reasonable
8 range of alternatives and presented a fair and unbiased
9 analysis. There were dozens of different ways to build the
10 HST to connect the Bay Area and the Central Valley. The EIR
11 divided the study area into six study corridors, examined
12 different alignment alternatives and station locations
13 options within each corridor, and further broke down the
14 alignment alternatives into segments.

15 Substantial evidence supports the FPEIR's discussion of
16 operational and environmental issues related to the Altamont
17 Pass alternatives. The potential environmental impacts of
18 the alternatives were discussed in Chapter 3 of the FPEIR.
19 Chapter 7 of the EIR summarizes and compares the
20 environmental consequences of 21 representative network
21 alternatives, defining the major tradeoffs among the
22 possible network alternatives. This fostered informed
23 public participation and decision-making. (*Laurel Heights*
24 *Improvement Assn. v. Regents of the University of California*
25 (*"Laurel Heights I"*) (1988) 47 Cal.3d 37, 404.)

26 The Court finds that substantial evidence in the record
27 supports the FPEIR's explanation that putting the HST system
28 over the existing, out-of-service Dumbarton Rail Bridge is
not reasonable. (See, e.g., GB003926-27 [existing retrofit
plans involve only a single track], B006687 [HST requires

17

1 two separated and dedicated tracks], B006368, B006687,
2 B006742.) The EIR reasonably concludes that a shared
3 Caltrain/HST Dumbarton crossing would require at least a new
4 double track bridge. (B003926-927, B006687; G000809.) The
5 Bay Area regional Rail Plan reached the same conclusion.
6 (D001484.) Furthermore, the existing Dumbarton Rail Bridge
7 has two swing bridges that pivot to allow ship traffic, a
8 systemic vulnerability which is inconsistent with the speed,
9 reliability and safety requirements of the HST system.
10 (B006687, B004044.)

11 The Court also finds that the FPEIR reasonably
12 concluded that train-splitting was not a reasonable
13 alternative, and that avoiding additional branch splits
14 would benefit train operations and service. The FPEIR and
15 the CEQA Findings treat the branch issue equally for both
16 Altamont Pass and Pacheco Pass.

17 The Court also finds that the FPEIR accurately
18 describes construction challenges for the Altamont Pass with
19 a Bay crossing or using the I-880 median. The challenges
20 for a Bay crossing include loss of wetland habitats in the
21 Bay associated with a new Bay crossing, the potential
22 difficulty of obtaining the types of permits and
23 environmental clearances needed to build a new Bay crossing
24 because of the limits which federal law imposes on
25 activities within the Don Edwards National Wildlife Refuge,
26 and the permitting jurisdiction of the Bay Conservation and
27 Development Commission. The record shows that the
28 construction challenges for use of the I-880 median are
complex - a complexity also recognized by the Metropolitan
Transportation Commission.

18

Comment Letter L002 - Continued

1 The Court further concludes that the record supports
2 the Authority's decision to exclude from further detailed
3 study an alternative using the median of U.S. Highway 101 or
4 1-280 through the Peninsula. The primary reason for
5 eliminating these alignment alternatives was the need to
6 construct an aerial guideway for the train adjacent to and
7 above the existing freeway, while maintaining freeway access
8 and capacity during construction. Such need would result in
9 substantially increased construction costs and
10 constructability issues. These alignments would also have
11 significant or potentially significant environmental
12 impacts, due to height and proximity to wildlife preserves.
13 The evidence supports the elimination of the 101 and 280
14 alignment alternatives from detailed study.
15 III. WHETHER THE AUTHORITY IMPROPERLY REFUSED TO RECIRCULATE
16 THE DRAFT PROGRAM EIR AFTER UNION PACIFIC'S ANNOUNCEMENT OF
17 ITS
18 UNWILLINGNESS TO ALLOW USE OF ITS RIGHT-OF-WAY
19 Petitioners contend that portions of the Pacheco
20 alignment as analyzed by respondent are dependent upon the
21 use of Union Pacific Railroad's right-of-way, and that
22 respondent improperly refused to recirculate the DPEIR after
23 Union Pacific Railroad announced its unwillingness to allow
24 use of its right-of-way shortly before respondent's approval
25 of the Pacheco alignment.
26 Respondent contends that the alignment is not dependent
27 upon the use of Union Pacific's right-of-way.
28 However, this Court concludes that various drawings,
maps and photographs within the administrative record
strongly indicate that it is. The record further indicates

19

1 that if the Union Pacific right-of-way is not available,
2 there may not be sufficient space for the right-of-way
3 needed for the HST without either impacting the Monterey
4 Highway or without the takings of additional amounts of
5 residential and commercial property.
6 These are significant impacts which were sufficient to
7 trigger the recirculation of the FPEIR. However, respondent
8 failed to take such further action after it received Union
9 Pacific's statement of its position.
10 IV. WHETHER THE AUTHORITY FAILED TO CONSIDER OR RESPOND TO
11 MENLO PARK'S COMMENT LETTER ON THE DPEIR
12 This issue is moot in light of the Court's ruling
13 denying the motion to augment the administrative record. In
14 that ruling, the Court determined that the evidence was
15 insufficient to establish that Menlo Park's comment letter
16 was received by the Authority. The Authority was not
17 required to consider or respond to a comment letter it did
18 not receive.
19 V. RESPONDENT'S CONTENTION THAT PETITIONERS FAILED TO
20 EXHAUST ADMINISTRATIVE REMEDIES
21 Respondent contends that petitioners failed to exhaust
22 administrative remedies as to any defect in the respondent's
23 CEQA findings on impacts and mitigation, and that therefore
24 the exhaustion of administrative remedies doctrine codified
25 in Public Resources Code section 21177 bars petitioners'
26 claim that respondent's CEQA findings on impacts and
27 mitigation are not supported by substantial evidence. As
28 stated in the Court's discussion of arguments concerning
impacts, *supra*, the Court concludes that petitioners

20

Comment Letter L002 - Continued

1 exhausted their administrative remedies as to the issues
2 raised in this case.

3 4 5 VI. PALO ALTO'S AMICUS CURIAE BRIEF

6 Palo Alto was granted leave to file an amicus brief.
7 However, its brief has raised legal issues not raised and
8 briefed by the parties, including challenges to the use of a
9 second program EIR, the Authority's treatment of land use
10 compatibility, and an alleged failure to consult Palo Alto.
11 For this reason its arguments have been disregarded by the
12 Court.

13 VII. CONCLUSION

14 The Court finds petitioners have met their burden of
15 showing that the EIR contains an inadequate description of
16 the project, that respondent's finding that mitigation
17 strategies will reduce the vibration impact to a less-than-
18 significant level is not supported by substantial evidence,
19 that as a result of the FEIR's inadequate description of the
20 project its land use analysis was inadequate, and that
21 respondent improperly failed to recirculate the FFEIR upon
22 receipt of Union Pacific's statement of its position
23 regarding its right-of-way. The petition for writ of
24 mandate is granted on these grounds.

25 Petitioners' other contentions are without merit.

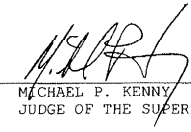
26 VIII. DISPOSITION

27 Petitioners shall prepare a judgment consistent with
28 this ruling and in accordance with California Rules of
Court, rule 3.1320 and Local Rule 9.16. Petitioners shall
also prepare a writ for issuance by the clerk of the court.

21

1 Petitioners shall recover their costs pursuant to a
2 memorandum of costs.

3
4
5 DATED: August 26, 2009

6
7
8 
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
MICHAEL P. KENNY
JUDGE OF THE SUPERIOR COURT

22

Comment Letter L002 - Continued

ATTACHMENT D

CERTIFICATE OF SERVICE BY MAILING

(C.C.P. Sec. 1013a(3))

I, the Clerk of the Superior Court of California, County of Sacramento,
certify that I am not a party to this cause, and on the date shown below I served
the foregoing **RULING** by depositing true copies thereof, enclosed in separate,
sealed envelopes with the postage fully prepaid, in the United States Mail at
Sacramento, California, each of which envelopes was addressed respectively to
the persons and addresses shown below.

Stuart Flashman
Attorney at Law
5626 Ocean View Drive
Oakland, CA 94618

Jeff Hoffman
Attorney at Law
132 Coleridge Street #B
San Francisco, CA 94110

Danae Aitchison
Attorney at Law
1300 I Street #Suite 125
Sacramento, CA 94244

Kristina Lawson, Arthur Coon
Attorney at Law
1331 N California Blvd., Fifth Floor
Walnut Creek, Ca 94596

I, the undersigned deputy clerk, declare under penalty of perjury that the
foregoing is true and correct.

Superior Court of California,
County of Sacramento

Dated: AUG 26 2009

Deputy Clerk

City Council High Speed Rail Subcommittee

Guiding Principles
Adopted May 18, 2009

The City Council High Speed Rail Subcommittee, consisting of four members, is designated by the City Council to represent the City in public in meetings with community groups and stakeholders, when speaking to other public agencies, when providing written correspondence in advocating for legislation related to high speed rail.

The Subcommittee will have the authority to speak on behalf of the City Council at hearings on short notice when full City Council discussion at a regularly scheduled Council meeting is not feasible. In such cases the Subcommittee should be guided by broad principles that are consistent with existing City Comprehensive Plan and adopted City Council policies.

In order to ensure consistency with existing City Council positions and policies, the Subcommittee will be guided by the following principles:

- The City is supportive of efforts to improve accountability and effective governance of high speed rail planning and operations.
- The City advocates advancing economic feasibility analysis and project financing options by High Speed Rail Governing Body to implement selected alternatives.
- The Ad Hoc committee will work with peninsula cities coalition to draft Memorandum of Understanding with Caltrain and HSRA and return to full Council for review and approval.
- The City understands the opportunity to apply for Federal stimulus funding but is concerned that enough time is allowed for appropriate analysis, public process, and decision making.
- The City recognizes that High Speed Rail, if done correctly, has the potential to minimize adverse impacts and be beneficial to the community.
- While acknowledging that the current direction for the San Jose to San Francisco High Speed Train project is to use the Caltrain right-of-way as the for the high speed rail corridor between San Jose and San Francisco, the City is open to and could support alternative alignments.
- The Ad Hoc Committee will be guided by the City of Palo Alto Scoping Comments for the California High Speed Rail Authority's San Francisco to San Jose High Speed Train (HST) Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

Comment Letter L002 - Continued

- The City supports Caltrain electrification and improved commuter rail services between San Francisco and San Jose. The City supports evaluation of operating conditions along the Caltrain right-of-way that would be conducive to a high speed rail intercity connection in San Jose, with improved Caltrain commuter rail service between San Jose and San Francisco.
- The City is supportive of exploring creative urban design and use of context-sensitive design processes that consider community values in collaborative community-sensitive planning and for the high speed rail project.
- The Subcommittee shall provide monthly reports to the Council on the activities of the Peninsula cities Consortium.
- The Subcommittee will meet regularly with community leaders and stakeholders to inform and involve the larger Palo Alto community in the planning, review, oversight and decision-making for the San Francisco to San Jose HST project.

Response to Letter L002 (City Manager, City of Palo Alto Planning and Community Environment, April 12, 2010)

The City of Palo Alto provided 2 letters (L002 and L003). Both letters are similar in the topics raised, but in some cases had additional items in letter L003. The Authority has responded to both letters but in many cases, the responses in letter L002 are referred to letter L003 which provides a more substantive response.

L002-1

Comment acknowledged.

L002-2

Although the commenter correctly identifies that no public meetings were held on the Peninsula as part of this Revised Program EIR process, the Authority disagrees that this has defeated CEQA's information disclosure purposes. CEQA includes no specific requirements for holding public meetings in conjunction with release of a Draft EIR or a revised Draft EIR. The Authority did hold two public meetings to receive comment on the Revised Draft Program EIR in April 2010 in San Jose. Public notification of the release of this document was extended to include notification to more than 50,000 individuals, public entities, and organizations. The process fully complies with CEQA.

L002-3

The comment identifies a list of information that the commenter suggests triggers recirculation of the entire prior Program EIR/EIS, including: alleged flaws in the ridership model; new information being developed for project-level EIR/EIS documents; impacts disclosed in the Revised Draft Program EIR related to Monterey Highway; a new seismic retrofit of SR 92 San Mateo highway bridge; and the need to consider a new alternative along SR 84 in the East Bay. We disagree that the issues identified in the comment trigger recirculation of the entire prior Program EIR. The Authority has revised portions of its May 2008 Final Program EIR to comply with

the court judgment in the Town of Atherton CEQA litigation. That judgment identified the issues the court determined required further CEQA compliance. The court did not identify that the Authority was required to study further alternatives, but rather **concluded** that the May 2008 Final Program EIR **analyzed** a reasonable range of alternatives. Authority staff find that **the** ridership model is a sufficient tool for environmental review purposes and the statement that the model is flawed does not trigger recirculation. Likewise the project-level information being developed does not trigger recirculation because it does not constitute significant new information at the program level.

L002-4

See Response to Comment L003-16.

L002-5

See Response to Comment L003-19.

L002-6

The Authority disagrees that the project description in the Program EIR is inconsistent and the comment does not identify how or why the project description is inconsistent. The project description is contained in Chapters 1 and 2 of the 2008 Final Program EIR. In response to the court judgment in the Town of Atherton case, the Authority has provided clarified information about project location information for the area between San Jose and Gilroy in the Revised Draft Program EIR material. The Authority believes the project description complies with CEQA.

L002-7

See Response to Comment L003-17.

L002-8

The comment appears to relate to the Authority's Business Plan rather than the Program EIR. Chapter 2 of the 2008 Program EIR addressed the basis for the ridership forecasts being used for environmental analysis and references the reader to the ridership documentation prepared by Cambridge Systematics. The 2008 Program EIR analyzed a no project alternative, which discusses the consequences of not constructing the HST system. In addition, the 2008 Final Program EIR includes comparative information on the ridership projections associated with different network alternatives in Chapter 7. Also see Standard Responses 4 and 8.

L002-9

See Response to Comment L003-30.

L002-10

See Response to Comment L003-31.

L002-11

See Response to Comment L003-32.

L002-12

More detailed information and analysis of construction impacts and mitigation will be included in project-level EIR/EISs. This analysis will include evaluation of the impacts on potentially affected local businesses. See Standard Response 3.

L002-13

See Response to Comment L003-39.

L002-14

See Response to Comment L003-41.

L002-15

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as

requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the mainline right-of-way owned by UPRR in this area. The HST alignment between San Francisco and San Jose would not share UPRR right-of-way. See Response to Comment L003-41.

L002-16

See Response to Comment L003-40.

L002-17

See Response to Comment L003-43.

L002-18

See Response to Comment L003-42.

L002-19

See Response to Comment L003-44.

L002-20

This comment states that the environmental document used flawed assumptions in determining impacts significance, but did not explain or provide examples. The Authority respectfully disagrees with this comment.

L002-21

The Authority disagrees that the environmental document did not address the impacts of grade separations. See the 2008 Final Program EIR and Chapters 2 and 3.18 related to the alternatives and construction impacts. In addition, Chapter 3.4, Noise and Vibration, identified the noise benefits of grade separations and as noted in Chapter 3.7, Land Use, grade separations where none previously existed would improve circulation between neighborhood areas and schools, businesses and other destinations. See Standard Response 2 regarding the tiered planning and environmental process and

Standard Response 3 regarding the level of detail for impact analysis and mitigation in the program environmental document.

L002-22

Mitigation for noise impacts, including soundwalls, cannot be determined at the program level. Noise mitigation specifics will be developed as part of the project-level EIR/EIS. The project specific analysis will identify the materials for soundwalls, locations along the railway where they would be proposed, appropriate designs and appropriate heights. It would be inappropriate at the program level of analysis to assume that soundwalls would be needed for the entire Caltrain corridor, if it is included in the network alternative ultimately selected by the Authority for further analysis. Also see Standard Response 5.

L002-23

Visual impacts were analyzed at the program level along the entire Caltrain corridor, not specific locations. The 2008 Final Program EIR depicts HST running in a combination of at-grade and retained fill through Palo Alto and along most of the Caltrain corridor. This is shown in Appendix 2D, Sheet CC 4 of 6. The height of the fill varies from 7 to 15 feet. A photosimulation was provided in the Final Program EIR of an elevated section passing the Burlingame Caltrain depot. This location was chosen to show the proposed project in the context of a historic building. The Final Program EIR included additional simulations for prototypical locations throughout its study area, but did not include one for Palo Alto. Additional simulations will be undertaken as part of the project-level EIR/EIS analysis.

L002-24

In the Final Program EIR, shadow impacts were noted for subsections with long distances of elevated alignments, such as in the East Bay. Within the Caltrain corridor, the alignment was evaluated on a retained fill at times. Across the entire corridor, the shadow and shading effects would be low. Many locations are already shaded due to the trees, fences or buildings lining the existing right-of-way. Additional analysis of visual impacts will be conducted as part of the project-level EIR/EIS.

L002-25

In locations where a retained fill is topped with a soundwall, a potential design could have the retaining wall and soundwall appear as one feature, or the retaining wall and soundwall could be designed to appear as two separate structures. The aesthetic considerations of alternative design strategies are appropriate to analyze at the project-level EIR/EIS, not the program level.

Soundwall height cannot be determined at the program level. Please refer to Response to Comment L002-22.

L002-26

See Response to Comment L003-49.

L002-27

See Response to Comment L003-47.

L002-28

See Response to Comment L003-51.

L002-29

See Response to Comment L003-52.

L002-30

See Response to Comment L003-53.

L002-31

The indirect loss of farmland due to potential induced sprawl was addressed in Chapter 5 of the 2008 Final Bay Area to Central Valley Program EIR.

L002-32

See Response to Comment L003-54.

L002-33

See Response to Comment L003-54.

L002-34

See Response to Comment L003-61.

L002-35

See Response to Comment L003-72.

L002-36

See Response to Comment L003-78.

L002-37

See Response to Comment L003-77.

L002-38

Comment noted. The Authority respectfully disagrees.

L002-39

In developing demographic profiles, it is professional practice (and also practiced by most State Departments of Transportation and Metropolitan Planning Organizations) to identify environmental justice communities by using a threshold level for percentage of minority and low-income individuals within a given geographic area. The percentage thresholds in the Program EIR were used to identify locations within the study area where there were higher than average concentrations of environmental justice communities as compared to the surrounding study area, city and/or county as a whole. In addition, the Program EIR evaluated size and type of right-of-way needed for the alignment alternatives and proximity to environmental justice populations. These factors provide a reasonable indication of where potential benefits or disproportionate impacts to minority and low-income populations would be most likely to occur. Because this is a program-level document, the analysis considered the potential for environmental justice impacts on a broad scale. Additional analysis and public outreach will take place during project-level investigations to identify minority and low-income individuals including any dispersed locations of these populations and to consider potential localized disproportionately high and adverse effects. See also Standard Response 3.

L002-40

See Response to Comment L003-87.

L002-41

See Response to Comment L003-87.

L002-42

See Response to Comment L003-90.

L002-43

See Response to Comment L003-91.

L002-44

See Response to Comment L003-92.

L002-45

See Response to Comment L003-95.

L002-46

See Response to Comment L003-96.

L002-47

See Response to Comment L003-97.

L002-48

See Response to Comment L003-99.

L002-49

The potential to induce sprawl was addressed in Chapter 5 of the 2008 Final Bay Area to Central Valley Program EIR.

L002-50

See Response to Comment L003-105.

L002-51

See Response to Comment L003-106.

L002-52

Both the 2008 Final Program EIR/EIS and the Revised Draft Program EIR address future land use compatibility based on information from general plans and other regional and local transportation planning documents. These documents were examined to assess an alignment alternative's and station location option's potential consistency with the goals and objectives defined therein. Because this is a program-level document, the analysis evaluated land use compatibility on a broad scale. Project-specific effects on land use, planning and development will be evaluated at the project-level.

L002-53

See Response to Comment L003-108.

L002-54

See Response to Comment L003-109.

L002-55

The 2008 Final Program EIR/EIS states that the proposed San Francisco to San Jose: Caltrain corridor would have a "high" compatibility rating because it would be primarily within an active commuter and freight rail corridor. In addition, construction of grade separations where none previously existed would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives is being carried forward in the project level analyses.

L002-56

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an

existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none previously exist would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives is being carried forward in the project level analyses.

L002-57

Comment acknowledged.

L002-58

See Response to Comment L003-118.

L002-59

See Response to Comment L003-119.

L002-60

See the Response to Comment L003-118.

L002-61

See the Response to Comment L003-118.

L002-62

See the Response to Comment L003-118. The project-level noise and vibration analyses will address both short-term construction impacts and long-term operational impacts.

L002-63

See the Response to Comment L003-116. The project-level noise and vibration analyses will address all aspects of the project,

including proposed grade separations and noise and vibration from the grade-separated roadways.

L002-64

See the Response to Comment L003-116. Please see Chapter 3.4 of the 2008 Final Program EIR. Section 3.4.1 discusses the methodology used for the program-level analysis. More detailed information and analysis including noise measurements at sensitive receptors and modeling will be part of a project-level EIR/EIS because the determination of impact is a product of the HST system design and can only be done at the project level. See also Standard Response 3.

L002-65

See the Response to Comment L003-116. The project-level noise and vibration analyses will address all aspects of the project, including track maintenance.

L002-66

See the Response to Comment L003-118. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives is being carried forward in the project level analyses. .

L002-67

See the Response to Comment L003-116. The project-level noise and vibration analyses will address the influence of climatic conditions.

L002-68

See the Response to Comment L003-127.

L002-69

See Response to Comment L003-128

L002-70

See the Response to Comment L003-118.

L002-71

See the Response to Comment L003-129. Comment does not specify height.

L002-72

See the Response to Comment L003-118. The project-level noise analysis will address the noise levels with mitigation in place, including noise from other sources.

L002-73

Chapter 5 of the 2008 Final Program EIR addresses potential project effects on regional jobs, employment and urbanization patterns. The program-level analysis combined population and employment growth projections with land consumption forecasts to provide a measure of "land consumed per new job and resident" and to determine the efficiency of each network alternative at accommodating projected growth. A project-specific land use and socioeconomic analysis will be performed including an analysis of project effects on the future jobs/housing balance in the region.

L002-74

Comment acknowledged.

L002-75

See Response to Comment L003-138.

L002-76

See Responses to Comment L003-138 and L003-139.

L002-77

The transportation plans and policies of local jurisdictions will be reviewed and included as appropriate in the project-level traffic analysis.

L002-78

The program-level EIR/EIS provided a general overview of construction impacts. More detailed analysis of construction impacts of the proposed HST project will be provided in the project-level EIR/EIS analyses.

Detailed parking, pedestrian, bicycle, transit, construction and cumulative transportation impacts of the HST Project will be fully analyzed as part of the project-level EIR/EIS in a Traffic, Transit, Circulation and Parking Report. This report will include (1) Changes in traffic volumes on local streets that result from project and from project construction and the effect of these changed volumes on roadway operations and critical intersections. (2) The analysis of number of parking spaces required and the placement of the parking facilities will be evaluated. Potential parking impacts will be evaluated based on the existing and future parking supply and the projected parking demand. Parking demand will be based upon the patronage and mode of access forecasts at each proposed station, including parking and related circulation impacts for adjacent neighborhoods. (3) Potential impacts to transit including potential for inadequate capacity of feeder bus service, potential for traffic congestion from project to disrupt or delay bus service that serve or run near stations or other transit operations. Potential impacts of project construction on transit service will also be evaluated in detail. (4) The project-level traffic impact analysis study will also evaluate the effect of the project and project construction on existing and planned pedestrian and bicycle facilities. Potential impacts on pedestrian and bicycle connections to and across HST facilities will be analyzed. Detailed information and analysis of potential traffic impacts including impacts to pedestrian and bike facilities and feasible mitigation measures will be included in project-level EIR/EISs and documented in a Traffic, Transit, Circulation and Parking Report. (5) Cumulative potential traffic impacts due to the proposed project.

L002-79

See Response to Comment L002-78.

L002-80

See Response to Comment L002-78.

L002-81

See Response to Comment L003-151.

L002-82

See Response to Comment L003-154.

L002-83

See Response to Comment L003-155.

L002-84

See Response to Comment L003-156.

L002-85

See Response to Comment L003-157.

L002-86

See Response to Comment L003-157.

L002-87

See Response to Comment L003-159.

L002-88

See Response to Comment L003-160.

L002-89

See Response to Comment L003-161.

L002-90

See Response to Comment L003-162.

L002-91

See Response to Comment L003-163.

L002-92

See Response to Comment L003-163.

L002-93

See Response to Comment L003-165.

L002-94

See Response to Comment L003-166.

L002-95

See Standard Response 10.

L002-96

See Standard Response 10.

L002-97

See Response to Comment L003-172.

L002-98

The 2008 Final Program EIR ranked property impacts along the San Francisco to San Jose corridor as low based on the fact that the alignment would be built mostly within the existing publicly owned right-of-way. The information now available (as reported in the Revised Draft Program EIR Material) indicates there may be a need

for limited property acquisition along the right-of-way in narrow areas to allow for a four-track alignment that will accommodate UPRR freight operations, if the Caltrain corridor is included in the network alternative ultimately selected by the Authority for further study. Accordingly, in the Revised Final Program EIR property impacts in this corridor are now ranked between low and medium, rather than low.

L002-99

The responses to comments in the 2008 Final Program EIR were not an area identified by the Superior Court in the Town of Atherton case for further work under CEQA. The full volume of responses provides good faith, reasoned responses to the comments that the Authority believes fully complies with CEQA.

Comment Letter L003 (Pat Burt, City of Palo Alto Office of the Mayor and City Council, April 23, 2010)

L003

City of Palo Alto
Office of the Mayor and City Council

Mr. Dan Leavitt
April 23, 2010
Page 2 of 29

April 23, 2010

California High Speed Rail Authority
Attn: Dan Leavitt, Deputy Director
925 L Street, Suite 1425
Sacramento, CA 95814

Subject: Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments
Dear Mr. Leavitt:

Thank you for the opportunity to comment on the California High Speed Rail Authority's March 2010 *Bay Area to Central Valley High-Speed Train Revised Draft Program EIR Material*. The California HST project will have a long-lasting and far-reaching impact on the City of Palo Alto. The City has thoroughly reviewed the Revised Draft Program EIR and has the following comments:

A. General Comments and Process

A.1 Public Meetings

Comment A.1-1 - No scoping sessions or public meetings were held anywhere on the Peninsula between San Jose and San Francisco for the Revised Draft Program EIR. Peninsula cities were also not included in the Outreach before the Second Draft Program EIR/EIS process. The failure of the California High-Speed Rail Authority (CHSRA) to solicit comments from communities along the Peninsula during the scoping process, the EIR/EIS public review process, or the Revised Draft Program EIR process precluded the effective participation of affected communities on the Peninsula and defeated the public information and disclosure purposes of the California Environmental Quality Act (CEQA) as it relates to those portions of the project that would be implemented on the Peninsula.

A.2 Significant New Information

Comment A.2-1 - Significant new information exists, under many environmental parameters, that makes the earlier Program EIR/EIS invalid and requires a recirculation of the Program EIR/EIS, as well as recirculation of the Revised Program EIR.

Comment A.2-2 - The ridership and revenue modeling used for the analysis and alternatives comparison is flawed, particularly given the new information provided in the 2009 Business Plan update and the major shifts in the economy since the forecasting was last completed. The ridership models need to be revised to provide a more accurate forecast of ridership.

P.O. Box 10250
Palo Alto, CA 94303
650.329.2477
650.328.3631 fax

Printed with soy-based inks on 100% recycled paper processed without chlorine

Comment A.2-3 - New information on project impacts and alternatives is being discovered during the project-level environmental review for the San Francisco to San Jose and San Jose to Merced segments. This new information may indicate new or increased impacts, and new feasible alternatives or mitigation measures. The new information needs to be presented and analyzed in a revised and recirculated environmental document.

Comment A.2-4 - New information has been presented in the Revised Draft EIR regarding the use of the Monterey Highway median for portions of the high-speed train (HST) right-of-way (ROW). The document fails to adequately address how the use of this median may result in impacts associated with noise, land use, property, traffic, and construction impacts.

Comment A.2-5 - The recently announced project to conduct a seismic retrofit of the State Route 92 San Mateo Bridge opens the possibility of placing a HST crossing in conjunction with rebuilding the bridge. The environmental document should be revised and recirculated to incorporate alignment alternatives that could be accommodated by this seismic retrofit project, and to compare the relative feasibility and potential environmental effects of these additional alignment alternatives to the project and alternatives described in the earlier Program EIR/EIS.

Comment A.2-6 - The need to evaluate impacts from Union Pacific Railroad's (UPRR) recent refusal to share its ROW may render the proposed Central Valley to Bay Area alignment infeasible. The emerging uncertainty regarding the availability of the UPRR ROW requires the Authority to identify and evaluate other alternative alignments for not only the Pacheco Pass but also the Altamont Pass, including an Altamont Pass alignment that would run along State Route 84 through the East Bay rather than along the UPRR ROW.

A.3 Limiting Scope of Comments to the Revised Draft Program EIR Inappropriately Limits the Analysis

Comment A.3-1 - Limiting the scope of comments to the Revised Materials is inappropriate if the original analysis was flawed. Some fundamental assumptions and underpinnings of the analysis, such as the ridership projections and business plan, have been shown to be flawed; as such, all subsequent impact analyses that propagate these errors are themselves flawed.

Comment A.3-2 - The limited scope of the changes to the earlier Program EIS/EIR does not adequately address the defects in that document identified by the court in its order, because the defects in the environmental analyses in that document also undermined the adequacy of the alternatives analysis and precluded a fair comparison of the relative impacts and feasibility of the proposed project and alternatives. The Authority must also

L003-5

L003-6

L003-7

L003-8

L003-9

L003-10

Comment Letter L003 - Continued

Mr. Dan Leavitt
April 23, 2010
Page 3 of 29

update the alternatives analysis in the Program EIS/EIR to reflect the changes to the environmental analysis for the proposed alignments.

A.4 Inappropriate Listing of Supporters and Opponents

Comment A.4-1 – It is inappropriate to list the agencies and organizations who support, or have expressed concern over, the selection of the Preferred Alternative (Sections 7.3.2 and elsewhere) in the document. Their comments and concerns should certainly be acknowledged when deciding on the scope of analysis in the EIR, but their identification in this document can have the effect of unnecessarily pitting one agency or organization against another, rather than focusing attention on which environmental issues need to be addressed in the document.

A.5 Lack of Tables Makes Analysis Difficult

Comment A.5-1 - The presentation of data in the text is confusing and makes the analysis difficult to follow. The information would be more presentable and understandable to the lay reader if presented in tables. An example of where such a table would be appropriate is on page 7-17 in the Travel Times/Travel Conditions section of the document. Conversely, the text on page 4-3 repeats the information already presented in Table 4-1. More careful use of tables is warranted.

A.6 Premature Initiation of Project-Level Environmental Review

Comment A.6-1 – The Revised Draft Program EIR indicates that, even though the Authority has not completed or certified the Final Program EIR/EIS for the Central Valley to Bay Area High Speed Train, and even though this document is intended to serve as the basis for the Authority's selection of one or more HST rail alignments between the Central Valley and the Bay Area, the Authority is nonetheless proceeding with its project-level environmental review for specific segments of the HST system within the Bay Area and Central Valley. This strongly suggests that the Authority has predetermined the rail alignments for the HST system, without sufficient regard for the conclusions and outcome of the environmental review. Until the Final Program EIS/EIR is complete, the Authority will not have sufficient information to appropriately evaluate all the possible alignment alternatives. It is inappropriate for the Authority to proceed with the project-level evaluations of specific segments of the HST system until the Authority has fully and adequately evaluated all the possible alignment alternatives in the Final Program EIR/EIS, and certified that document as adequate under NEPA and CEQA.

Comment A.6-2 – The document currently under review is titled "Bay Area to Central Valley High-Speed Train Revised Draft Program Environmental Impact Report *Material*"

L003-10
cont.

L003-11

L003-12

L003-13

L003-14

Mr. Dan Leavitt
April 23, 2010
Page 4 of 29

(emphasis added). CEQA does not provide for this type of a document. The court has instructed the CHSRA to recirculate a revised EIR.

Comment A.6-3 – The document is inadequate in disclosing impacts associated with the removal of vegetation and trees. For example, impacts to the El Palo Alto Historic Redwood should be discussed in the Aesthetics and Visual Resources, Biological Resources, and Cultural Resources sections.

B. Inadequate Project Description and Business Plan

B.1 Project Description

Comment B.1-1 - The project description is essentially limited to the alignment of the track corridors and possible stations, but does not mention the additional support facilities, other than the maintenance facility, that would be needed. These additional support facilities would include layover facilities, turnouts, bridges, and tunnels, advanced signaling and communications systems, electrification facilities, station automobile parking structures, and the public open spaces needed to support the pedestrian traffic generated by the hub stations. The Revised Program EIR is inadequate because they are not identified or analyzed in the document. If the potential environmental impacts of these supporting facilities are not going to be addressed in the Program EIR, they should be identified, the typical effects explained, and should be addressed in detail in the forthcoming project-level engineering and environmental reviews.

Comment B.1-2 - Grade separations are not identified in the document. The document should indicate which crossings are expected to be separated, and define whether each intersection is to be separated by underpasses or overpasses (presumably the vehicular and pedestrian traffic and not the HST). Grade separations cause substantially more construction, surface disturbance, noise, air quality, aesthetics, and transportation conflicts. An elevated railway would be a significant change from the existing landscape, and could have significant impacts on neighboring communities. Project construction could have significant impacts, such as disruption of existing rail service and disruption of local businesses; these issues are not addressed in the EIR. Identification of proposed grade separations is necessary to fully disclose the potential impacts associated with each of the alignment alternatives, and to fairly compare the feasibility and environmental effects associated with each alternative. These impacts must be analyzed and the alternatives analysis updated for the CEQA document to be adequate.

Comment B.1-3 – The document fails to adequately describe the location of the project, including the proposed right-of-way, station locations, and other infrastructure locations. The corresponding impacts are not analyzed and no mitigation is proposed. All of this information is necessary to enable the Authority to compare the relative feasibility and

L003-14
cont.

L003-15

L003-16

L003-17

L003-18

Comment Letter L003 - Continued

Mr. Dan Leavitt
April 23, 2010
Page 5 of 29

environmental effects of the proposed rail alignment and the various alternative alignments, and to make a fair and informed selection of the most feasible and environmentally preferred alignment.

Comment B.1-4 – The document fails to adequately indicate the extent to which the project would require acquisition of private property through eminent domain. This issue applies to both the use of existing corridors where such corridors need to be widened, and the possible requirement for identifying a new corridor should UPRR block the shared use of its ROW. The document also does not identify whether eminent domain would include the taking of all or only a portion of any of the neighboring properties along the alignment. This information is necessary to evaluate the feasibility of the proposed project and to compare it with the various alternatives in the Program EIS/EIR.

Comment B.1-5 – The document fails to address the maintenance of the HST line, and does not answer the questions of how often and when maintenance activities would occur, and what additional infrastructure would need to be constructed (rail spurs, repair shelters) to allow the maintenance activities.

Comment B.1-6 - The statement that ... "The preferred maintenance and storage facility location to support the HST fleet in the study region is the Merced area (Castle AFB)" (page 7-28, Section D Maintenance Facilities) contradicts the statement in the Program EIR/EIS on page 2-48, second paragraph, that states that ... "One fleet storage/service and inspection/light maintenance facility would be needed for each major branch of the statewide HST system ... These facilities would need to be sited as near as possible to the terminal stations (emphasis added)." Merced is about 120 miles from San Francisco. The Revised Draft Program EIR fails to identify the location of the maintenance facility in the Peninsula segment of the HST system.

Comment B.1-7 - The Federal Rail Authority (FRA) does not allow heavy rail and light rail to share the same corridor. The proposed project would require an exemption from FRA regulations in order to move forward as proposed. The EIR should explain the reasons why the FRA does not allow heavy and light rail operations to share corridors and why an exemption for this project would be appropriate. The document should also address the feasibility of obtaining this exemption from the FRA, and what alternatives are available if the FRA does not grant this exemption.

Comment B.1-8 - The document does not address how the land beneath an aerial viaduct would be used and maintained. What would be the use of the land beneath the viaduct – parking, landscaping? Would the area be open or fenced off? Who would be responsible for maintaining this area to remove weeds, clean up trash, remove graffiti, etc.? Who would pay for this maintenance?

L003-18
cont.

L003-19

L003-20

L003-21

L003-22

L003-23

Mr. Dan Leavitt
April 23, 2010
Page 6 of 29

Comment B.1-9 - The document does not define how eminent domain would be used to widen an existing corridor or to create a new corridor. For example, would the CHSRA only take the back yard of a residential property, or would CHSRA be forced to take the entire property even if only a portion of the property is required for the corridor?

Comment B.1-10 - Section 2704.09 of Assembly Bill (AB) 3034 sets design characteristics and requirements for an HST system. These requirements include maximum limits on travel times, such as a maximum travel time from Oakland to Los Angeles of 2 hours 40 minutes, and a requirement that such travel be accommodated without the need to change trains at any point along the journey. The project description and subsequent EIR analysis is flawed because it does not address these requirements. The City of Oakland is not currently on the proposed HST alignment, and therefore travel to or from Oakland would involve a transfer onto another train or transit system, and would require more than 2 hours and 40 minutes of travel time. The project description and alternatives need to be revised in order to add Oakland to the system, either by coming north through Pacheco Pass and San Jose, or west through the Altamont Pass.

Comment B.1-11 – The Project Descriptions in the Program EIS/EIR and the Revised Draft Program EIS/EIR are inadequate because they do not adequately describe or disclose to the reviewing public that the HSR line would include a segment that traverses the San Francisco Peninsula between San Francisco and San Jose. The Project Description, as well as the document's title and all outreach efforts by the Authority, were focused on the HSR alignments connecting the Central Valley and the Bay Area at San Jose, and did not adequately alert the public to the proposal to also extend a HSR alignment along the Peninsula between San Jose and San Francisco. This omission was exacerbated by the fact that no scoping sessions or public hearings related to the project were held at any cities on the Peninsula.

B.2 Flawed and Inadequate Business Plan

Comment B.2-1 – The Revised Draft Program EIR fails to provide an explanation of the methodology used to calculate ridership figures.

Comment B.2-2 – The document fails to include an explanation of what portions of projected ridership would occur regardless of whether the project was approved or regardless of the alignment alternative chosen.

Comment B.2-3 - The ridership forecasts in the analysis are flawed and grossly overestimate the ridership that the project would generate, particularly since the ridership forecasts were created during a different economic cycle. Realistic ridership numbers need to be used in the analysis to reflect both a robust and a poor economy.

L003-24

L003-25

L003-26

L003-27

L003-28

L003-29

Comment Letter L003 - Continued

Mr. Dan Leavitt
April 23, 2010
Page 7 of 29

Comment B.2-4 – The document fails to include a full tabulation and explanation of project costs, including: methodologies for calculating costs, costs for each alternative and sub-alternative, costs for tunnels through developed urban areas, costs for maintenance activities, and costs for developing ridership.

L003-30

Comment B.2-5 – The document does not include a tabulation of expected funding sources for the project.

L003-31

Comment B.2-6 – The document does not adequately address construction costs, including the full economic costs of using eminent domain to either widen an existing corridor or to create a new corridor.

L003-32

Comment B.2-7 – The document fails to address how nearby businesses would be affected during project construction, if access would be limited, if small businesses will survive, and how city tax revenues may be affected as a result.

L003-33

Comment B.2-8 – The document needs to include a realistic and defensible business plan in order to answer the very basic question of whether the HST project is actually environmentally advantageous for California.

L003-34

Comment B.2-9 – Cost reporting should be in 2010 dollars, and not 2006 dollars (page 7-13, second paragraph, last line, and elsewhere in the document).

L003-35

Comment B.2-10 – The daily ridership projections for the San Francisco station include riders from Oakland and elsewhere in the East Bay, which is a flaw in the analysis. East Bay ridership needs to be shown at an Oakland station location, as required by AB 3034, and not San Francisco. Once the East Bay ridership is removed from the San Francisco projections, the forecasted ridership at San Francisco should be dramatically reduced.

L003-36

Comment B.1-11 – The December 2009 Business Plan's forecasted annual boardings for the San Francisco to Anaheim corridor are less than half of the forecasted annual boardings referred to in the EIR. The boarding numbers in the EIR need to reflect updated forecast figures.

L003-37

Comment B.1-12 – The recently released California High Speed Rail Project Environmental EIR/EIS Preliminary Alternatives Analysis Report for the San Francisco to San Jose Section provides updated cost figures, making the cost figures used in the Revised Program EIR outdated. The numbers used in the Program EIR/EIS need to be updated to reflect current cost estimates.

L003-38

Mr. Dan Leavitt
April 23, 2010
Page 8 of 29

C. Environmental Impacts and Mitigation Measures

C.1 General Comments

Comment C.1-1 – The Revised Program EIR identifies a Peninsula alignment and station locations, but fails to fully identify, analyze, and mitigate all Peninsula-related environmental impacts from that specific alignment and those specific station locations. A Program-level EIR that identifies specific project elements or project locations is required to provide a full analysis of the impacts associated with these elements and locations.

L003-39

Comment C.1-2 – The mitigation measures used in the document are often inadequate, and in some cases so poorly described as to make it impossible to determine the feasibility of the mitigation measure.

L003-40

Comment C.1-3 – The document fails to disclose or adequately analyze the project's potential land use, transportation, or public health and safety risks and impacts associated with the use of the shared Caltrain/UPRR ROW between San Francisco and San Jose, and the UPRR ROW from San Jose to Gilroy. Perhaps more importantly, the document fails to address the potential necessity of locating the project alignment away from either segment of this ROW, particularly in the San Jose to Gilroy segment where the UPRR owns and controls the corridor. The need for a new project alignment in these areas necessitates a revised analysis of project impacts and an expanded alternatives analysis that compares the new project alignment to the alternatives identified in the Program EIS/EIR.

L003-41

Comment C.1-4 – The impact discussion focuses on a corridor 50 feet to either side of the existing corridor or 50 feet to either side of the centerline of the new HST alignments. The analysis should focus on a wider corridor for impacts. Some impacts, such as vibration, can have a significant effect several hundred or even several thousand feet away from the project corridor. The impact discussion should be revised to use appropriately sized impact corridors for each specific impact, and not use an arbitrary and insufficient corridor width of 50 feet.

L003-42

Comment C.1-5 – The impact analysis fails to address and incorporate the significance criteria established by each local jurisdiction affected by the project, and uses flawed assumptions in determining impact significance.

L003-43

Comment C.1-6 – The document fails to indicate how the HST project would affect Caltrain service, both during construction and operation. It is unclear whether Caltrain would be able to continue providing express service once the HST system is in place. Changes to Caltrain service could result in air quality, noise, and traffic impacts. The lack of analysis of this potentially significant impact requires that the document be recirculated with the complete analysis.

L003-44

Comment Letter L003 - Continued

Mr. Dan Leavitt
April 23, 2010
Page 9 of 29

Comment C.1-7 - The analysis in the Revised Draft EIR glosses over local impacts and does not provide the detailed analysis required by CEQA.

L003-45

Comment C.1-8 - The document uses the terms "exclusive guideway" and "shared guideway", but does not define these terms. The document further concludes in a cursory manner that "exclusive guideway" alternatives should be rejected, and that a "shared guideway" alternative should move forward for analysis. This conclusion is inappropriate given that UPRR has stated opposition to sharing their corridor.

L003-46

C.2 Aesthetics and Visual Impacts

Comment C.2-1 - The Revised Program EIR fails to address a number of issues related to aesthetics, visual impacts, and the compatibility of the proposed new structures with the visual character of the surrounding area. Many of the proposed project elements (such as an elevated railway, overhead wires, sound walls, and transmission lines) would likely have a significant visual impact, and these impacts are neither fully addressed nor sufficiently mitigated.

L003-47

Comment C.2-2 - The document fails to address the visual impacts of elevated structures and the associated 45 miles of sound walls proposed as mitigation for noise effects. These structures would represent a significant change to the visual character of the corridor and may not be compatible with the existing visual character of the area. The document also fails to address the shade and shadow impacts of these proposed elevated structures and sound walls. The sound walls as proposed are inadequate to mitigate the project's noise impacts, and will likely need to be made even taller, which would have a corresponding increase in impacts on aesthetics.

L003-48

Comment C.2-3 - The visual compatibility impacts of the new utility infrastructure, in particular the electrical substations, transmission lines, and overhead electrical rail lines, are not fully addressed in the Revised Program EIR. The document does not provide locations for the proposed substations and transmission lines, so no analysis of aesthetic impacts can be performed. The City of Palo Alto is in the process of placing all existing overhead wires underground. The addition of new overhead wires in Palo Alto would not be in keeping with City policies and goals.

L003-49

Comment C.2-4 - The document fails to address how the removal of existing screening trees along certain segments of the rail line would affect the impact significance of elevated structures, sound walls, substations, and new utility poles and wires.

L003-50

Comment C.2-5 - The document fails to address how any new vehicle or pedestrian overpasses would affect the visual environment. Such structures would be significant new

L003-51

Mr. Dan Leavitt
April 23, 2010
Page 10 of 29

elements in the visual landscape, and their visual and compatibility impacts need to be addressed in the EIR.

L003-51
cont.

Comment C.2-6 - The document does not disclose whether the project would include nighttime lighting, and what impacts such lighting would have on neighboring uses, particularly on two-story residences across from an elevated railway.

L003-52

C.3 Agriculture

Comment C.3-1 - Direct impacts to agricultural resources would occur if the HST alignment and associated infrastructure (substations, utility lines, etc.) needed to pass through lands that are currently in agricultural use. Given that the UPRR has notified the Authority that it will not permit the use of its ROW within the San Jose to Gilroy corridor (or anywhere else), the relocation of this alignment may require the conversion of agricultural lands. This possibility must be considered, and the potential impacts of such conversions evaluated, in the Revised Program EIR.

L003-53

C.4 Air Quality and Greenhouse Gases

Comment C.4-1 - The document fails to fully disclose or adequately analyze the project's potential air quality impacts, including the production of greenhouse gases (GHG) and contribution to global climate change.

L003-54

Comment C.4-2 - The analysis focuses on emissions associated with operations. It does not consider construction impacts and their contribution to GHG emissions.

L003-55

Comment C.4-3 - Construction activities will cause major traffic disruptions, resulting in indirect air quality and GHG emissions from idling vehicles. These potential emissions were not analyzed in the document.

L003-56

Comment C.4-4 - New electrical infrastructure (transmission and distribution lines and substations) will be required. The construction impacts of these facilities are not included in the analyses.

L003-57

Comment C.4-5 - Greenhouse gas emissions should be recalculated and reconsidered based on updated and realistic ridership figures. See Comment A.2-2.

L003-58

Comment C.4-6 - The comparison of rail travel GHG emissions to air travel GHG emissions should be revised to account for the reductions in air travel since 2002 and the improvements made in emissions from air travel. See Comment A.2-2.

L003-59

Comment Letter L003 - Continued

Mr. Dan Leavitt
April 23, 2010
Page 11 of 29

Comment C.4-7 – The document fails to adequately compare air quality and GHG emissions between the alternative options for the new railway – elevated viaduct, elevated berm, at grade, below grade, and underground. Construction activities and duration vary dramatically for different types of construction. Air quality and GHG emissions for longer duration construction should be considered.

L003-60

Comment C.4-8 – The document uses flawed assumptions in the impact analysis. For example, the document states that the HST will operate on 100 percent clean, zero-carbon emissions electricity. It may be impossible to operate on 100 percent clean, zero-carbon emissions electricity, both because there may be insufficient energy production infrastructure in the state to meet the electricity requirements of the HST system, and because “clean energy” cannot be separated from other electricity.

L003-61

Comment C.4-9 – Does the project actually reduce emissions, or only move them out further into the future? This issue is not considered in the analysis.

L003-62

Comment C.4-10 – Construction emissions, especially GHG emissions, should be amortized and included in the analysis.

L003-63

Comment C.4-11 – Construction activities include rebuilding Caltrain, which will result in a disruption in service and in turn result in commuters and travelers finding other transportation options, likely increasing vehicular emissions.

L003-64

Comment C.4-12 – In addition to direct air and GHG emissions associated with Caltrain rebuilding, the project will also result in indirect traffic and air emissions. These emissions have not been included in the impact analysis.

L003-65

Comment C.4-13 – The required new electrical infrastructure will result in both construction and operational particulate and GHG emissions (SF6 from substations). These emissions have not been included in the impact analysis.

L003-66

Comment C.4-14 – The document fails to adequately analyze or disclose the long term result of unmitigated GHG increases or decreases using the Urban Forest Reporting Protocol (UFRP) adopted by the California Air Resources Board (CARB). For each regional or local section of the proposed project alignment, the EIR should use the methodology provided in the UFRP to provide a tree and vegetation analysis, including baseline conditions, the effects of the proposed project, and recommended action for improved air quality.

L003-67

C.5 Biological Resources

L003-68

Mr. Dan Leavitt
April 23, 2010
Page 12 of 29

Comment C.5.1 - Statements such as those on page 7-13 (second paragraph, lines 4-7) ... “That the preferred alternative to San Francisco would have slightly less potential impacts on wetlands (15.6 ac vs. 17.4 ac), water bodies (3.8 ac vs. 4.5 ac), and streams (20,276 linear ft. vs. 21,788 linear ft), but would have slightly more potential impacts on floodplains (520.6 ac vs. 477.5 ac) and species (plant and wildlife) ...” are not very helpful without knowing something about the current quality, trends, susceptibility, and other threats (cumulative or otherwise) to these resources. An attempt to look at these from a landscape point of view should be considered. Just providing disturbed acreage estimates can be very misleading, could lead to incorrect conclusions about the comparative severity of impacts between alternatives, and do not appear to be supported by substantial evidence in the record.

L003-68
cont.

Comment C.5.2 – It is a mistake to equate only miles of disturbance with environmental impacts. For example, on page 7-15, second paragraph, lines 5-8, the document states, “However, this alternative has greater environmental impacts ... since it requires nearly 38 additional miles of HST alignment to be constructed along the east bay” and repeats this statement on page 7-15, third paragraph, lines 5-7. The severity of the environmental impact depends on what biological resources are encountered in those 38 additional miles, and what is encountered in the original alignment before the 38 miles are added on. Similarly, the impacts depend on the nature/severity of the impacts encountered. One significant impact in a short stretch of alignment would have more weight than several, or indeed many, less than significant impacts in a longer stretch of alignment. Conclusions regarding the severity of biological impacts based solely on the extent of acreage to be disturbed by the project would not appear to be supported by substantial evidence in the record.

L003-69

Comment C.5.3 - The document perpetuates a common error in only considering threatened and endangered species (T&E species). EIRs and EISs are not environmental compliance documents. They are environmental impact assessment documents. Yet there is no consideration of the potential for impacts to many non-T&E species, especially keystone species, particularly in terms of habitat loss and fragmentation.

L003-70

Comment C.5.4 – The document does not address the wide-ranging effects of air and water emissions (pollution) and noise on biological resources, particularly wildlife and their critical habitat. The harmful effects of pollution have contributed to the listing of numerous species under the Endangered Species Act, yet the document focuses on the direct impacts associated with the loss of habitat. Habitat fragmentation and degradation are not addressed. The indirect effects of air, water, noise, and other emissions, even if they meet regulatory and/or permit thresholds, are ignored. Not all habitats are of equal importance. Certain habitats disproportionately contribute to ecosystem functioning and are analogous to keystone species. Even non-keystone habitats vary in quality with very different functional value. These nuances are ignored or overlooked, and should be a major focus of affected environment discussions.

L003-71

Comment Letter L003 - Continued

Mr. Dan Leavitt
April 23, 2010
Page 13 of 29

Comment C.5-5 – The document fails to address the potential loss of valuable wildlife habitat, including wetlands, particularly if the proposed right-of-way must be relocated away from the Caltrain/UPRR right-of-way anywhere along the San Francisco to Gilroy corridor. Such a relocation appears likely given Union Pacific's refusal to share a ROW with the HST system.

L003-72

Comment C.5-6 – The document fails to address impacts to trimming or removal of mature or heritage trees along San Jose to San Francisco alignment, including effects to El Palo Alto, the iconic heritage redwood tree in Palo Alto.

L003-73

Comment C.5-7 – The document fails to adequately evaluate and mitigate impacts from the removal of trees and vegetation. For example, the collective groupings of mixed trees and vegetation along Alma Street provide a significant screening function, even though each tree or unit is not independently of great value and would not necessarily be a part of the City of Palo Alto's standard tree preservation measures. The project would result in the removal of such screening vegetation, which would result in adverse visual impacts to the surrounding community.

L003-74

Comment C.5-8 – The document fails to address the eventual footprint that may actually be required for construction activities, and how this construction footprint might affect surrounding trees. A tree resource may be adversely affected because it is adjacent to the project, even though it is not in the identified ROW.

L003-75

The Program EIR relies on a tree survey and assessment that is now seven years old and was prepared exclusively for the Caltrain Electrification Project, and not the HST Project, making this tree survey both too out of date and inappropriate for use with this project. The tree survey concluded that the greatest tree-related impacts from the Caltrain Electrification Project would be to trees outside of the Caltrain ROW; since the proposed HST Project would have a wider ROW, the impacts to trees outside the ROW would necessarily be greater.

L003-76

Moreover, the tree survey's identification of trees that would be affected by the Caltrain Electrification Project relied on an estimate of the number, type, and health of trees within a typical mile, and not on actual counts or surveys. The tree survey does not recognize the value that a particular tree or group of trees may have for the community. Thus, impacts cannot be quantified for each community without updating the scope of impact, incorporating real time conditions and tree cover, and recommending the appropriate mitigation.

Comment C.5-9 – The document fails to adequately address the potential impact to the El Palo Alto Historic Redwood Biological Resource. Although the approximately 1,070-year-old tree is healthier today than 100 years ago, it is likely that the tree exists in a

L003-77

Mr. Dan Leavitt
April 23, 2010
Page 14 of 29

sensitive state of stability, and the proposed project may disrupt this stability. Any physical change to the area surrounding the tree, such as ground disturbing impacts during construction or vibration impacts during operation, may have a direct or indirect impact on the ancient tree's stability and ability to avoid toppling over. The root architecture and interacting soil dynamics for this tree are unknown, and the El Palo Alto Historic Redwood and surrounding area will therefore require a focused analysis in the EIR. This analysis should include a comprehensive technical analysis to develop impact avoidance measures, which will likely be unique to this historic tree.

L003-77
cont.

Comment C.5-10 – The document fails to adequately address the following issues related to trees and tree canopies in the City of Palo Alto:

- The number of mature trees that would be affected (removal, pruning, soil compaction, etc.) by the project
- The number of trees protected by the City of Palo Alto tree ordinance that would be affected by the project
- The estimated value of the trees that would be affected by the project, the replacement value of these trees, and the ecosystem value of these trees
- Mitigation measures that would compensate the community for the effects to existing trees and tree canopies

L003-78

C.6 Cultural Resources

Comment C.6-1 - The document fails to adequately address impacts to historic resources and Native American archaeological sites along the alignment. The document does not identify and name each type of historic resource, and only identifies the total number of such resources located along each alignment. It is therefore not possible to assess the significance of the impacts. The document also fails to address the potential impacts to cultural resources that may occur if a new alignment is required due to UPRR's refusal to share its ROW.

L003-79

Comment C.6-2 – Inadequate measures are provided in the document to mitigate the noise, vibration, and visual impacts of the proposed HST system on the historic resources located near the proposed alignment. For example, the historic buildings along the proposed alignment are of older construction and likely more susceptible to vibration impacts, and therefore require resource-specific mitigation measures to ensure that these historic resources are not damaged by the project.

L003-80

Comment C.6-3 – The document fails to identify and address all of the historic and cultural resources in the City of Palo Alto that could be affected by the proposed project. Resources that were omitted from the analysis include:

L003-81

Comment Letter L003 - Continued

Mr. Dan Leavitt
April 23, 2010
Page 15 of 29

- Greenmeadow National Historic Register District
- University Avenue Underpass (eligible for the National Historic Register)
- Embarcadero Underpass (eligible for the National Historic Register)
- Southgate – Mariposa Avenue (eligible component for the Southgate National Register Historic District)
- The “Hostess House” adjacent to the University Avenue Caltrain Depot (listed on the National Historic Register)
- 3905 Park Boulevard (eligible for the California Historic Register)

These historic resources – as well as the El Palo Alto Tree, the Southern Pacific Railroad Bridge, and the Southern Pacific Railroad Depot identified in the EIR – may be adversely affected by noise, vibration, and visual intrusion. The document fails to adequately address the level of impact to these resources, or how the impacts would be mitigated.

Comment C.6-4 – The document fails to adequately address the cultural value of the state historical landmark #2, the El Palo Alto Historic Redwood. Although the tree is identified in the biological resources section of the document, the tree also has a profound cultural significance to local residents. The EIR should disclose the potentially significant impacts to the tree in relation to its level of cultural and historic importance.

C.7 Environmental Justice

Comment C.7-1 - Limiting potential property impacts to land uses within 50 feet of either side of the existing corridor, or within 50 feet of both sides of the centerline for new HST alignments, is too restrictive and limiting to fully assess impacts. Potential environmental impacts could extend well beyond 50 feet, and so too would the potential for disproportionate impacts to minority and low income populations.

Comment C.7-2 - The potential for environmental justice impacts exists whether the minority or low income population is 1, 5, 10, 20 percent or 50 percent of the total (page 2-5, first bullet). The question is not what the minority or low income population is, but whether it is disproportionately impacted regardless of size. The potential for environmental justice impacts is made on a determination of whether or not there are disproportionate impacts to minority or low income populations, not just whether minority or low-income populations exist along the alignment or that these populations exceed some threshold. The wording of the environmental justice section in Chapter 6 should use the term “potential for environmental justice impacts” rather than whether the alignment has a “low, medium, or high environmental justice impact rating”.

C.8 Geology and Seismicity

Mr. Dan Leavitt
April 23, 2010
Page 16 of 29

Comment C.8-1 – The document fails to adequately address potential impacts and risks associated with the rail line crossing several active and potentially active fault zones. Potentially high risks are associated with all rail alternatives crossing active and potentially faults. These risks, for both construction and operations, are not fully addressed. Crossing the Calaveras Fault in a tunnel represents a particularly high risk that is not adequately described or mitigated by the Program EIS/EIR. Alternatives to a tunnel crossing should be considered.

Comment C.8-2 – The document fails to adequately address impacts resulting from a major earthquake and associated strong ground motion.

Comment C.8-3 - The southern alternative runs north through areas with potential effects from liquefaction. Foundations and supports for this alternative will require more unusually complex engineering solutions and unusually robust construction, resulting in greater traffic disruptions and increased air emissions. These factors are not addressed in the analysis.

Comment C.8-4 – The heights of elevated structures are not indicated in the analysis. The lateral seismic loading on these structures is not adequately addressed in the Program EIS/EIR or the Revised Program EIS/EIR. Substantially larger (and more frequent) supports may be needed, increasing the severity of visual impacts and possibly requiring a wider ROW to accommodate the structural supports.

Comment C.8-5 – The document fails to address the consequences of the rail line being disrupted by seismic activity.

C.9 Hazards and Hazardous Materials

Comment C.9-1 – The document fails to address the public health and safety impacts due to possible derailments on the Union Pacific, Caltrain, or HST lines and subsequent collisions with high speed trains. The risks of collisions and derailments, and the associated hazards and damage to adjacent rail lines and properties adjacent to rail lines are not adequately addressed. The document should consider and analyze the feasibility and effectiveness of establishing hazard buffer zones to mitigate potential impacts from derailments.

Comment C.9-2 – The document fails to address possible collisions with trains. Multiple trains (HST, Caltrain, freight) using the same tracks pose increased risks of collisions. In addition, it has not been demonstrated in the environmental document that multiple HST trains operating concurrently would be able to stop in time if problems from other operations occur.

L003-85
cont.

L003-86

L003-87

L003-88

L003-89

L003-90

L003-91

L003-81
cont.

L003-82

L003-83

L003-84

L003-85

Comment Letter L003 - Continued

Mr. Dan Leavitt
April 23, 2010
Page 17 of 29

Comment C.9-3 – The document fails to address conflicts with existing underground toxic plumes in the soil and groundwater. The approach and methodology in the document is flawed as it only used databases listed in evaluating possible underground contamination. Additional information on underground contamination is available and needs to be incorporated into the analysis.

L003-92

Comment C.9-4 – Contamination along existing railroad ROWs is common. The analysis does not consider this typically occurring hazardous contamination, and the methods to mitigate the disturbance and disposal of contaminated materials.

L003-93

Comment C.9-5 - Acquiring new ROW increases potential for encountering more hazardous materials/waste, including contaminated groundwater. This issue is not addressed in the Revised Draft Program EIR.

L003-94

C.10 Hydrology and Water Quality

Comment C.10-1 – The document fails to address impacts of trenching or tunneling on groundwater during construction. This impact applies in particular to portions of the Altamont Route Alternatives.

L003-95

Comment C.10-2 – The document fails to address impacts on creek flow, creek stability, and riparian habitat. The analysis is flawed in comparing “flood plain area” without considering water flow direction relative to proposed structures. This comment also applies to Comment C.10-4.

L003-96

Comment C.10-3 – The document fails to adequately address impacts of shallow groundwater on operations and maintenance. For example, the document states that, “Infiltration of ground and surface waters into tunnels is undesirable for operations and maintenance reasons and increases the potential for adverse impacts to ground and surface waters. All reasonable measures would be taken to avoid water infiltration.” These “reasonable measures” must be identified and discussed, and their feasibility and anticipated effectiveness must be disclosed. Without this information for each proposed alternative, it is impossible to adequately compare the potential impacts and benefits of the various alternatives. Potential secondary impacts (e.g., groundwater pumping for dewatering) should also be identified and evaluated for each alternative.

L003-97

Comment C.10-4 - In addition to operations and maintenance, potential adverse impact from tunneling on groundwater resources are inappropriately discounted and not adequately analyzed.

L003-98

Comment C.10-5 – The document fails to adequately address the impacts on project operations from potential flooding. The proposed alignment involves four creek crossings

L003-99

Mr. Dan Leavitt
April 23, 2010
Page 18 of 29

in Palo Alto, including Adobe Creek, Barron Creek, Matadero Creek, and San Francisquito Creek. All of these creeks have the potential to overtop their banks and flood in a major rain event. The document should address how the project would be affected by a flood event, and what effect the different project elements may have on diverting flood waters and altering the portions of the community that might be susceptible to flooding.

L003-99
cont.

Comment C.10-6 – The document does not discuss the project’s potential to block or redirect flood water flows, or displace flood water and increase flood water elevation, and thus increase flooding risks to adjacent and upstream areas.

L003-100

Comment C.10-7 – If UPRR does not allow shared use of the existing ROW, then greater potential impacts to surface waters could result from a new ROW. A new ROW could result in an increase in impervious surfaces, alterations to surface water and groundwater flows, degradation of water quality in stormwater and groundwater, and alterations in flood patterns that are different than the hydrology impacts of the proposed alignment.

L003-101

Comment C.10-8 – The analysis does not adequately indicate the extent of impervious surfaces that would be created by the project. Impervious surfaces create increased surface discharges, which could cause local flooding or erosion. If retention/detention basins are required to address and offset the increase in impervious surfaces, then more land may be required in order to accommodate these added features. Sufficient information is known about the project to estimate the extent and locations of new impervious surfaces, the potential adverse effects from these new surfaces, and to describe the measures that may be needed to mitigate these effects.

L003-102

Comment C.10-9 – The analysis considers the effects of 100-year floodplains, but does not consider 500-year floodplains. The document should identify all portions of the project that are within the 100-year and 500-year floodplains, what effects these floodplains could have on project construction and operations, and the effects of the project on altering flood patterns.

L003-103

C.11 Land Use and Planning

Comment C.11-1 – The document fails to discuss the direct and indirect impacts of potential “sprawl” development as a result of the project, particularly near the locations of proposed stations such as the potential station in the City of Palo Alto. The document needs to address the development-inducing impacts of the HST project (such as high-density housing being constructed near stations).

L003-104

Comment C.11-2 – The Revised Program EIR fails to address the displacement of residents and businesses if the proposed ROW must be relocated outside of the Caltrain/UPRR ROW, which appears likely due to UPRR’s refusal to share the ROW with

L003-105

Comment Letter L003 - Continued

Mr. Dan Leavitt
April 23, 2010
Page 19 of 29

the HST system. An alternate corridor would likely involve the extensive use of eminent domain in order to create a new alignment.

Comment C.11-3 – The document fails to adequately address land use impacts resulting from the division of existing communities, either through the expansion and potential widening of the existing Caltrain/UPRR ROW and the elevation of structures within this ROW, or through the relocation of the proposed HST corridor away from the Caltrain/UPRR ROW. Either of these two scenarios could result in the division of an existing community. The need to develop a new alignment outside of the UPRR ROW will also require an expanded alternatives analysis, to compare the feasibility and potential impacts of the new alignment to the existing alternatives.

Comment C.11-4 – The environmental document fails to address project impacts due to potential incompatibility with local land use plans and policies, including existing or planned uses, zoning and general plan designations and regulations, and existing or proposed development plans. Because the Draft Program EIS/EIR and the Revised Draft Program EIS/EIR both identify the specific alignment for the HSR project along the San Francisco Peninsula between San Jose and San Francisco, as well as the specific locations for proposed stations on the Peninsula, those documents must consider the project's compatibility and consistency with all local plans and policies implicated by the alignment and station locations. In addition, the local plans and policies should have been considered in determining the applicable thresholds of significance for all Program level environmental impacts.

Comment C.11-5 – The document fails to address potential impacts to local businesses, particularly during construction. Road closures, reduced parking, and construction noise could all make it difficult for businesses to stay in operation during construction activities. If the HST corridor must be relocated due to UPRR's refusal to share its ROW with the HST system, then additional businesses would also be directly impacted by CHSRA's need to use eminent domain to acquire properties for the new alignment.

Comment C.11-6 – The document fails to address impacts to the property values of residences and businesses due to aesthetics, noise, vibration, and circulation impacts from long-term construction activities and daily train operations.

Comment C.11-7 – The document incorrectly states that the proposed project corridor would have a "high" compatibility rating in the selected corridor. A large portion of this corridor passes through residential neighborhoods. The document states that single-family residential homes have a "low" compatibility rating with HST systems, so the portions of the corridor that pass through residential neighborhoods should have a "low" rating as well.

L003-105
cont.

L003-106

L003-107

L003-108

L003-109

L003-110

Mr. Dan Leavitt
April 23, 2010
Page 20 of 29

Comment C.11-8 – The document fails to consider that elevating the railway and erecting 45 miles of sound walls could create a physical barrier that divides a community. The existing Caltrain/UPRR ROW does not divide communities to the same degree that an elevated HST system would.

Comment C.11-9 – The Final Program EIR states on page 2-3 that the HST has a "high" compatibility with high schools and a "medium" compatibility with elementary schools. The document fails to justify why high schools are more compatible with a HST system than elementary schools.

Comment C.11-10 – Neither the Program EIS/EIR nor the Revised Program EIS/EIR adequately considers or addresses the potential for increased blight in areas surrounding the rail line. The cumulative effects of displacing residents and commercial uses to acquire ROW, degradation of the environment near the ROW due to noise, vibration, air quality and other impacts, and decreases in property values accompanied by residential and commercial flight from the areas near the ROW, increase the likelihood that the areas surrounding the ROW will become increasingly blighted. Blighted areas impose greater direct and indirect costs on local jurisdictions relating to maintenance and services, and depress revenues to such jurisdictions due to reduced property values. The document does not identify or attempt to address these direct and indirect environmental effects.

C.11-11 – The document fails to adequately address construction impacts on Palo Alto High School. Construction activities will likely involve temporary closures of Churchill, Embarcadero, and Alma, all of which provide access to the high school.

C.12 Minerals

Comment C.12-1 – No issues regarding minerals have been identified at this time.

C.13 Noise and Vibration

Comment C.13-1 – The noise metric (page 3.4-3, second paragraph) should include retirement homes, assisted living centers, nursing homes, and other long-term medical care facilities, museums, libraries, motels, hotels, auditoriums, churches, and cemeteries, in addition to the number of hospitals and schools. Sensitive land uses also include mobile homes, dormitories, parks, picnic areas, playgrounds, and active sports areas. The noise analysis must be revised to account for these additional sensitive uses.

Comment C.13-2 – The noise metric does not include parkland, yet Table 3.4-4 on pages 3.4-14 to 3.4-18 does include parkland in its noise and vibration summary data used to compare alignment alternatives. This inconsistency in the document needs to be corrected.

L003-111

L003-112

L003-113

L003-114

L003-115

L003-116

L003-117

Comment Letter L003 - Continued

Mr. Dan Leavitt
April 23, 2010
Page 21 of 29

Comment C.13-3 – The document fails to adequately address the significance of noise and vibration impacts during both construction and operation, and fails to adequately mitigate these impacts. Specifically, the document fails to address vibration impacts on nearby buildings, including both typical structures and historic structures, which may be more susceptible to vibration impacts.

L003-118

Comment C.13-4 – The document categorizes noise and vibration impacts as “low-level”, “medium-level”, and “high-level”, and establishes four noise-related thresholds of significance, but does not indicate whether the project impacts would exceed these thresholds and be considered significant impacts. As a result, the reviewing public and reviewing public agencies cannot tell from the document whether noise and vibration impacts will be significant or less than significant.

L003-119

Comment C.13-5 – The document fails to adequately explain how the proposed mitigation measures would address noise and vibration impacts and reduce these impacts to a less than significant level.

L003-120

Comment C.13-6 – The document addresses estimated noise levels on a region-wide basis, and does not quantify anticipated noise levels on the proposed alignment or station locations. This is not sufficient, given the information presently available to the Authority regarding the proposed alignments and station locations. In order to properly compare the relative severity of the impacts of the various alignment alternatives, it is necessary for the analysis to establish the baseline noise conditions along each alignment, and identify the anticipated increases in noise levels at specific locations along each alignment with the approval of the project. Without this information, the Authority cannot make an informed decision as to the preferred alignment.

L003-121

Comment C.13-7 - Grade separations would introduce inclines. The document does not address how such inclines would affect noise and vibration impacts of HST, Caltrain, and freight train operations, particularly when climbing up an incline.

L003-122

Comment C.13-8 – The number of trains per hour is proposed to increase substantially over existing conditions, meaning that more peak noise events will occur every hour and that the total duration of peak noise events will increase. The document does not quantify the increase in the duration of noise, nor does the document indicate whether this would be considered a significant impact.

L003-123

Comment C.13-9 – The document fails to disclose the noise and vibration impacts of nightly track maintenance.

L003-124

Comment C.13-10 – The document fails to disclose how the different design options (tunnel, below grade, at grade, elevated berm, elevated viaduct) affect noise impacts.

L003-125

Mr. Dan Leavitt
April 23, 2010
Page 22 of 29

Comment C.13-11 – The document fails to disclose how wind and weather patterns would affect noise impacts.

L003-126

Comment C.13-12 - Noise impact ratings should be indicated as “high,” and potential noise impacts should be considered significant, along nearly all of the San Jose to San Francisco corridor due to the alignment’s proximity to dense residential development.

L003-127

Comment C.13-13 – The document addresses noise impacts from 186 mile per hour (mph) operations, but does not address noise impacts for 220 mph speeds through Morgan Hill and Gilroy.

L003-128

Comment C.13-14 – The document fails to quantify the potential noise reduction provided by sound walls, particularly given the presence of two-story residences and the possibility of an elevated railway. Without an idea of how much sound attenuation and reduction can be achieved through the use of sound walls, there is no way to conclude that such walls have the potential to reduce noise impacts to a less than significant level.

L003-129

Comment C.13-15 - The proposed sound wall height appears to be inadequate to address noise impacts. The document should include an analysis of the effectiveness of different heights or document why the specific height was chosen.

L003-130

Comment C.13-16 – The document fails to disclose the potential impacts of sound walls on traffic noise for adjacent streets and communities. Sound walls separating residential and commercial communities from the HST may have the effect of increasing noise levels from noise sources within the communities. No attempt was made to determine or assess the effects of sound walls on noise sources within the adjacent communities.

L003-131

Comment C.13-17 - The document does not address the combined noise and vibration impacts of two or more trains passing by a location at the same time. The document must identify the noise and vibration impacts of multiple, simultaneous trains.

L003-132

Comment C.13-18 – The original and revised Draft Program EIS/EIR documents identify four noise-related thresholds of significance, but do not attempt to apply the thresholds to the specific alignment and station locations selected for the Peninsula alignment. The documents contain sufficient information about the project to identify and evaluate the severity of these potential impacts, and to propose specific mitigation measures. Given the volume of information currently available about the HSR proposal for the Peninsula alignment, the Authority cannot defer this analysis to subsequent environmental review.

L003-133

Comment C.13-19 – Even though the original Draft Program EIS/EIR specifically found that the proposed mitigation for vibration impacts was not sufficient to ensure that these

L003-134

Comment Letter L003 - Continued

Mr. Dan Leavitt
April 23, 2010
Page 23 of 29

impacts would be adequately mitigated, the Revised Draft Program EIS/EIR does not identify or propose any additional mitigation measures. To comply with both CEQA and the court's order, the Revised Draft Program EIS/EIR must expand the mitigation measures to address vibration impacts to adequately mitigate these impacts.

L003-134
cont.

Comment C.13-20 – The document fails to acknowledge or address the noise goals and policies in the Palo Alto Comprehensive Plan, specifically Policy N-39 and Policy N-41. Policy N-39 encourages the location of land uses in areas of compatible noise environments, and provides recommended indoor and outdoor noise limits for various types of land uses. Policy N-41 states that the noise impacts of any project subject to CEQA should be evaluated in terms of the increase in existing noise levels and the potential for adverse community impact, regardless of existing background noise levels. These policies should be applied to the noise impact discussion in the EIR.

L003-135

C.14 Population and Housing

Comment C.14-1 – The environmental document fails to evaluate the project impacts on the jobs/housing balance in the region.

L003-136

C.15 Public Services

Comment C.15-1 – The document fails to address the impacts to City of Palo Alto public services from the removal of the existing dense tree canopy along sections of Alma Street. Currently, the mature tree canopy (largely between one-half to over one century in age) overarches the roadway, in some cases well past the centerline of the street, establishing critical service benefits that are currently realized and relied upon by city operations and maintenance budgets.

For example, the large and mature tree canopy intercepts rainfall and causes an approximately 10-minute delay before this water reaches the ground. Alma Street gutter and water management has been problematic and marginally handles 1-inch rainfall events. Removal of the existing mature tree canopy may result in a cumulative overload of the storm drain and overflow system, which could cause stormwater to back up onto intersecting streets and result in localized flooding. The planting of replacement trees alone may not be able to mitigate the changes to stormwater dynamics for many years. The EIR needs to assess the extent of these impacts and recommend additional mitigation measures to avoid this impact to the City's stormwater infrastructure.

L003-137

In addition, the shade provided by trees extends the service life of asphalt. The existing mature tree canopy shades large sections of Alma Street roadway. The City of Palo Alto currently experiences a dependable and longer service life of from the asphalt on Alma Street because of this shade. Removal of this canopy protection from the direct south and

Mr. Dan Leavitt
April 23, 2010
Page 24 of 29

western exposure on Alma Street will reduce the asphalt service life and increase the frequency of street repairs and repavement. The EIR should analyze the extent of these impacts and recommend mitigation measures to avoid this impact to the City's roadway infrastructure.

L003-137
cont.

C.16 Recreation

Comment C.16-1 – The document fails to address access, noise, dust, vibration, and visual impacts to parks and recreational facilities along the corridor.

L003-138

Comment C.16-2 – The document does not accurately identify and consider all of the parks and recreational facilities along the project route.

L003-139

Comment C.16-3 – The Section 4(f) and 6(f) (Public Parks and Recreation) ROI is 500 feet on either side of the HST alignment alternatives centerline in non-urban areas, 100 feet from the centerline in urban areas, and 500 feet where stations or other HST facilities are proposed (identical to the Cultural Resources APE). Delineating the ROI or APE so narrowly may lead to inappropriate conclusions. For example, a park just outside the ROI would not be included in the alignment evaluation, but still would be affected by noise impacts from the HST. For another example, peak hour construction noise levels could be as high as L_{max} 86 to 89 dBA at 100 feet, and sound exposure levels of 100 dBA would occur at 60 feet from HST passby at 180 mph (Figure 3.4-1, p. 3.4-7), and potential vibration impacts from HST operations extend to 200 feet (page 3.4-5, first full paragraph, line 5). Noise attenuates by 6 dBA for every doubling of distance, so a park 120 feet from the centerline in an urban area could nominally experience a 94 dBA sound level from a HST passby, and thus be impacted. The ROI for public parks and recreation areas should be defined by the spatial extent of the impact creating source, not an arbitrary number. Noise attenuation is also affected by intervening buildings, vegetation, and topography, and thus noise impact assessments are more appropriate for the forthcoming project-level engineering environmental review.

L003-140

C.17 Transportation and Traffic

Comment C.17-1 – Section 7.3.3 (Network Alternatives Evaluation) is extremely complex and detailed. This section would benefit from a series of tables that summarize the evaluation criteria and how they compare and rank. As it stands now, the text-only explanation is dense and difficult to follow, and does not adequately and transparently disclose the methodologies and conclusions of the analysis.

L003-141

Comment C.17-2 – Page 3.1-1, Section B, third paragraph states that the Traffic, Transit, Circulation, and Parking sections use year 2005 data, whereas levels of service (LOS) for station cordons is based on data for the year 2000, and parking data is from 2002 (page

L003-142

Comment Letter L003 - Continued

Mr. Dan Leavitt
April 23, 2010
Page 25 of 29

3.1-2, second and fifth bullets). The reliance on 8- to 10-year-old data is misleading and inappropriate because the economic conditions were different at that time.

L003-142
cont.

Comment C.17-3 - It is likely that construction-related traffic impacts will extend beyond the 1 mile and 0.25 miles distance thresholds from the suburban rail stations and downtown station locations, respectively. Adherence to these thresholds is likely to understate impacts.

L003-143

Comment C.17-4 - Table 6-1 on page 6-2 of the Revised Program EIR states that "The HST Network Alternative would reduce the number of travel lanes from six to four on Monterey Highway between Umbarger Road and Metcalf Road (near Bailey Road) in the City of San Jose." The EIR provides no information on the LOS impacts consistent with the information provided for other routes in Tables 3.1-2 and 3.1-3 in the Final Bay Area to Central Valley HST Program EIR/EIS. This information is necessary to adequately support the conclusions regarding the significance of the project's traffic impacts in this area.

L003-144

Comment C.17-5 - The document fails to disclose the transportation-related policies and plans of local jurisdictions.

L003-145

Comment C.17-6 - The document does not disclose the extent of impacts to streets during construction, including identification of detours and road closures. These construction impacts could significantly affect traffic patterns and traffic flow for extended periods of time.

L003-146

Comment C.17-7 - The document does not disclose the anticipated increases in traffic and parking impacts in the vicinity of proposed stations.

L003-147

Comment C.17-8 - The Final EIR does not include any provisions for or impacts of multi-day parking at either Caltrain or HST stations. The need for multi-day parking further reduces Caltrain's use as a feeder to the HST system.

L003-148

Comment C.17-9 - The document does not address the parking needs for rental car fleets at the various station locations.

L003-149

Comment C.17-10 - The document does not disclose anticipated impacts to pedestrian and bicycle paths that parallel and/or intersect the proposed alignment.

L003-150

Comment C.17-11 - The document claims that Monterey Highway is underutilized, the loss of two of the six lanes will not significantly affect traffic in the area, and the loss of these two lanes would result in a decrease in traffic demand. The document fails to support

L003-151

Mr. Dan Leavitt
April 23, 2010
Page 26 of 29

these conclusions, particularly the counterintuitive conclusion regarding the decrease in traffic demand resulting from the decrease in traffic lanes.

L003-151
cont.

Comment C.17-12 - The Final EIR fails to address likely Caltrain service reductions as a result of the project, how these service reductions would affect Caltrain's function as a "feeder route" to the HST, and the subsequent effects on HST ridership figures. The analysis should include consideration not only of capital improvements to Caltrain, but also operational subsidies to assure that Caltrain remains viable.

L003-152

Comment C.17-13 - The document indicates that the four track, at grade option would involve the loss of one or more lanes on Alma in Palo Alto. Alma is a major arterial in Palo Alto, and the document fails to address the traffic and circulation impacts from narrowing this roadway.

L003-153

C.18 Utilities

Comment C.18-1 - The document fails to adequately disclose or evaluate the energy needs for the project, the quantity of electricity required, and what infrastructure (transmission lines and substations) would be required to bring the necessary power to the corridor. The document only states that the State produces enough electricity to serve the project's needs, and not how that energy would be delivered to the HST system. These conclusory statements are not sufficient. Because the delivery of electricity to the system is a necessary part of the HST system, this portion of the project must be evaluated in the Program EIS/EIR and/or the Revised Program EIS/EIR. This analysis should also identify the capability of existing lines to supply adequate power to the corridor.

L003-154

Comment C.18-2 - The document fails to address other potential utility needs for the project, and whether the infrastructure is present to accommodate the project's needs.

L003-155

Comment C.18-3 - The document fails to disclose the impacts of the relocation of all utilities currently located within or crossing the ROW. The relocation of these utilities could result in service interruptions of water, wastewater, gas, electricity, telephone, and cable service, and would represent an additional project expense without detailing how and to what extent costs would be the responsibility of other agencies or other parties.

L003-156

C.19 Cumulative Impacts

Comment C.19-1 - The document fails to adequately address the cumulative impacts of proposed Caltrain improvements, such as the proposed electrification of the Caltrain system.

L003-157

Comment Letter L003 - Continued

Mr. Dan Leavitt
April 23, 2010
Page 27 of 29

Comment C.19-2 – The document fails to identify and address the cumulative impacts of proposed roadway improvements along the entire corridor from San Francisco to Gilroy.

L003-158

D. Alternatives

Comment D-1 – The document fails to include sufficient information on the environmentally superior alternative, thereby depriving the public of an opportunity to comment on the methodology used to identify that alternative.

L003-159

Comment D-2 – The second Program EIR/EIS fails to analyze all alternatives at an equal level of analysis as required by NEPA.

L003-160

Comment D-3 – The alternatives analysis is inaccurate, incomplete, and biased, and consequently inadequate, as demonstrated under the following topics:

L003-161

- The analysis of Altamont Pass Alternatives inaccurately portrays the operational characteristics in a way that results in significantly underestimating the potential ridership of those alternatives.
- The document improperly and inaccurately discounted and found infeasible the potential for the Altamont Pass Alternative to rebuild the Dumbarton Rail Bridge in a way that could be used by both the Caltrain Dumbarton Rail Project and the proposed high-speed train.
- The document overemphasizes the aquatic impacts of rebuilding the Dumbarton Rail Bridge and inaccurately discounts the likelihood of being able to obtain environmental clearance. At the same time, the document underestimates the aquatic, wetlands, and wildlife impacts of the Pacheco Pass Alternative's crossing of the Grasslands Ecological Area and discounts the difficulty of obtaining environmental clearance for such a crossing.
- The document improperly and inaccurately overemphasizes the impacts of a corridor through the cities of Pleasanton and Fremont, while underestimating the impacts of a corridor along the San Francisco Peninsula.
- The document underemphasizes the impacts of running the corridor through portions of San Jose south of San Jose's Diridon Station by not disclosing the absence of undeveloped land outside of the Union Pacific corridor south of that station.
- The passage of AB 3034 and Prop 1A requires that travel time between Oakland and Los Angeles not exceed 2 hours and 40 minutes, and not require changing trains. Therefore, if the path to meet this requirement is via San Jose, then the entire path from San Jose to Oakland should be dealt with in this EIR. If the path to Oakland will be via an Altamont Pass route, then that route needs to be clearly identified. The costs of such an Altamont Pass route need to be budgeted, and the

L003-162

L003-163

L003-164

L003-165

L003-166

L003-167

Mr. Dan Leavitt
April 23, 2010
Page 28 of 29

San Jose station designed so that it will not have to be later modified to incorporate Oakland-bound trains.

L003-167
cont.

Comment D-4 – The document does not indicate whether Caltrans has given any sort of recognition or approval to the narrowing for Monterey Highway for the installation of the HST lines. Until this authorization is obtained, then the alternatives involving the use of the Monterey Highway ROW are no more viable than the UPRR ROW.

L003-168

Comment D-5 – The Henry Miller alignment alternative (UPRR Connection), one of the three alignment alternatives south of Gilroy, involves the use of the UPRR ROW (pages 2-16 and 2-17). This alternative should be rejected as UPRR has clearly stated that it will not share its ROW with the HST project.

L003-169

Comment D-6 – The Revised Program EIR dismisses the various Altamont alternatives because the identified routes required use of the UPRR ROW, which UPRR has stated that it will not share with the HST project. No serious attempt was made to identify and evaluate non-UPRR Altamont alternatives with the same level of detail as the San Jose to Gilroy non-UPRR alternatives. The failure to evaluate non-UPRR ROW alternatives for the Altamont Pass alignment renders the alternatives analysis inadequate, because the Program EIS/EIR did not evaluate a reasonable range of alternatives for this alignment.

L003-170

Comment D-7 – The Program EIR inappropriately dismisses alignments between San Francisco and San Jose other than the Caltrain corridor with only a cursory analysis, and this dismissal improperly precluded any reasonable consideration of potentially viable alignment alternatives for the San Francisco to San Jose segment of the project. Most if not all of the other segments of the HST system involve consideration of more than one alignment. In order to satisfy minimum state and federal requirements for consideration of a reasonable range of alternatives, the Authority must consider more than one corridor for the segment from San Francisco to San Jose. The following is a partial list of alternative alignment routes that should be considered in the Program EIR at the same level of detail as the preferred alternative:

L003-171

- The document should analyze a Highway 101 alternative that involves an Altamont/Dumbarton crossing of the Bay, joining a Highway 101 ROW route near Menlo Park and Redwood City, and following the Highway 101 ROW to a point near the South San Francisco Caltrain station. The route would then follow the Caltrain corridor to downtown San Francisco. This alternative would avoid most of the Caltrain corridor and eliminate most of the devastation to the residential neighborhoods that would be caused by the current Caltrain alignment alternative. This Highway 101 alternative would also reduce most of the impacts to schools, parks, and historical sites along the Caltrain corridor, and could be less costly than

Comment Letter L003 - Continued

Mr. Dan Leavitt
 April 23, 2010
 Page 29 of 29

the Caltrain corridor alternatives, particularly in regard to undergrounding the HST rail lines.

- The document should address and analyze alternative alignments within or along the Caltrans ROW and Highway 280.
- The document should address and analyze an alternative where the HST alignment ends in San Jose, and then passengers transfer to Caltrain.

L003-171
 cont.

Comment D-8 – The document does not address alternatives that would reduce the number of tracks to less than four. The ridership forecasts are flawed and grossly optimistic. Realistic ridership projections may conclude that only two or three tracks would be required for the HST project, not the four tracks currently proposed. Once the forecasted ridership is corrected to (1) reflect current predictions rather than the outdated and inflated figures used in the current EIR, and (2) remove the East Bay ridership from the San Francisco station forecasts, then the reductions in projected traffic volume could result in the need for less than the 4 sets of tracks proposed between San Francisco and San Jose, and it may even be possible for the HST system and Caltrain to share only the 2 existing sets of tracks.

L003-172

Comment D-9 – The document provides a “low” or “medium” impact rating for segments that pass alongside residential development, when that rating should be higher. A proper weighting of the relative impacts of the various alignment alternatives would provide a more accurate assessment of which alignments are environmentally superior.

L003-173

The City of Palo Alto appreciates the opportunity to provide these comments on the *Revised Draft Program EIR Material* for the Bay Area to Central Valley HST Project.

Please contact Steve Emslie, Deputy City Manager, at 650-329-2354 for further information and coordination.

Sincerely,


 PAT BURT
 Mayor

cc: City Council
 City Manager
 City Attorney
 Dominic Spaethling, CAHSR
 State Senator Joe Simitian
 State Assemblymember Ira Ruskin

Response to Letter L003 (Pat Burt, City of Palo Alto Office of the Mayor and City Council, April 23, 2010)

L003-1

This comment is introductory in nature. See specific responses below.

L003-2

Although the commenter correctly identifies that no public meetings were held on the Peninsula **in this Revised Program EIR process**, the **Authority** disagrees that this has defeated CEQA's information disclosure purposes. CEQA includes no specific requirements for holding public meetings in conjunction with release of a Draft EIR or a revised Draft EIR. The Authority did hold two public meetings to receive comment on the Revised Draft Program EIR in March 2010 in San Jose. Public notification of the release of this document was extended to include notification to more than 50,000 individuals, public entities, and organizations. The process fully complies with CEQA.

L003-3

The Authority disagrees that recirculation of the entire prior Program EIR/EIS is required based on this general comment that significant new information exists "under many environmental parameters" that makes the earlier Program EIR invalid and requires recirculation of that document. More detailed responses will be provided where the commenter offers a more detailed rationale for why it contends further recirculation is necessary.

L003-4

We disagree with the comment. The ridership and revenue modeling provides an appropriate tool for the environmental analysis for which it has been used. Information about subsequent ridership in the 2009 Business Plan, which was prepared for a different purpose, does not render the 2007 forecasts invalid. See Standard Response 4, explaining the differences in the ridership forecasts for environmental review versus business planning purposes, and

explaining how economic conditions over time are considered in the ridership model.

L003-5

The detailed information being developed as part of project-level environmental studies does not require recirculation of the entire prior Program EIR. The purpose of tiering is to allow the Authority to select a preferred network alternative and general mitigation strategies at the program level to be followed by more detailed, project-specific analysis and development of more detailed and refined alternatives and mitigation measures. The detailed information from the project level does not constitute significant new information at the program level that would require another round of revision and recirculation. **Also see Standard Response 2.**

L003-6

Noise analyses in the 2008 Final Program EIR, Section 3.04, were generally based on densities along the various alignments evaluated. As stated in this section, "Screening distances were applied from the center of alignments to estimate all potentially impacted land uses in noise-sensitive environmental settings." Given that the alignment in this area did not change but rather was more clearly defined in the 2010 Revised Draft Program EIR Material the noise evaluation did not change from the 2008 document. Mitigation strategies for noise are provided in Section 3.4.5 of the 2008 Final Program EIR. Overall, the noise evaluation and mitigation strategies would not change for this alignment. Detailed noise analyses will occur for the alignments and station locations at the project-level EIR/EIS. Also see Standard Response 5.

The revised Program-level land use compatibility evaluation for this alignment is provided in Section 2.2 of the 2010 Revised Draft Program EIR Material. Changes to the 2008 Final Program EIR are shown in this section. Please note that for the approximately 2.7 miles of Monterey Highway that are proposed to be converted from six to four lanes, the project would replace one transportation use

with another, and the HST alignment would be between an existing rail right-of-way and highway corridor.

The revised Program-level property evaluation is also provided in Section 2.2 of the 2010 Revised Draft Program EIR Material, as is the revised evaluation of Environmental Justice. Additional information is also provided in Section 2.2 regarding traffic impacts of the number of lanes reduction on Monterey Highway. Construction impacts are already evaluated (at a program level of detail) in Section 3.17 of the 2008 Final Program EIR.

The Authority disagrees with the contention that this material is inadequate. It is fully consistent with the methodology applied for the program level review in 2008 and responds directly to the Superior Court in the Town of Atherton case. Also see Standard Response 3.

L003-7

The May 2008 Final Program EIR examined a “no project” alternative and 21 representative network alternatives for connecting the Bay Area to the Central Valley. Included in this range of alternatives were 11 Altamont Pass network alternatives, 6 Pacheco Pass network alternatives, and 4 Pacheco Pass with Altamont Pass (local service) network alternatives.

The March 2010 materials clarified those portions of the 2008 Program EIR requiring revision or expansion. With this document, the Authority has reviewed a reasonable range of alternatives, and review of additional alternatives does not appear to be warranted although the responses to comments in this document do provide comments on the proposed State Route 84 alignment through the East Bay as contained in the April 2010 report from Setec Ferraviare appended to comment letter O012. See Standard Response 10.

Based on Caltrans documents, the San Mateo bridge retrofit was completed in 2000 followed by the widening of the structure from four to six lanes completed in 2003. The commentor may be referring to the planned seismic retrofit of the Dumbarton Bridge which will strengthen the existing bridge to withstand a Maximum Credible Earthquake. This design of the retrofit of the existing bridge

structure is complete and construction is scheduled to begin in 2010 with project completion in 2013.

L003-8

Please see Standard Response 9. Also see responses to the Union Pacific Railroad (UPRR) letter O002. As shown, the Authority has not determined that the proposed Pacheco alignment between San Francisco and the Central Valley is infeasible. Please see Responses to Comments O012-11, O012-12, and O012-13 for comments regarding the alignment proposed in the April 2010 report from Setec Ferroviare as appended to letter O012.

L003-9

The Authority disagrees that limiting the scope of comments to the Revised Draft Program EIR Material is inappropriate. The Authority requested that members of the public focus their comments on the new information and analysis contained in the Revised Draft EIR Material and stated that the Authority's legal obligation extended to responding only to those comments related to the new materials. The Authority's request is based on CEQA Guidelines section 15088.5, applicable to situations like the current one where a lead agency must revise and recirculate only a portion of a prior Final EIR. The current EIR process is specifically intended to comply with the judgment from the Town of Atherton litigation and that judgment found that only those issues in the revised materials required further CEQA compliance.

The Authority respectfully disagrees that “the ridership projections and business plan, have been shown to be flawed”. See Standard Response 4.

L003-10

The Revised Draft Program EIR addresses the issues identified by the court for further CEQA compliance and synthesizes the additional information with respect to the alternatives in a manner that **provides** for a fair comparison of impacts and feasibility. See Chapter 7 of the Revised Draft Program EIR.

L003-11

The purpose of the discussion in Chapter 7 is to revise and update the discussion of the preferred alternative in the May 2008 Program EIR based on the Revised Draft Program EIR information. The text regarding those who support or have expressed concern over the Pacheco or Altamont network alternatives is intended to disclose the wide divergence of opinion in the San Francisco Bay area over which mountain pass should be selected. Chapter 7 has been revised to note briefly the public input the Authority has received as part of the 45-day public comment period on the Revised Draft Program EIR, and to distinguish the 2008 public comment from the 2010 public comment.

L003-12

The Authority has attempted to use text and tables as appropriate to best convey the information. In the presentation of information comparing the two alignment alternatives, Pacheco Pass and Altamont Pass Alternatives (Section 7.3.3.D), much of the information was best conveyed using text (public input, ridership and revenue, capital and operating costs, travel times and travel conditions, constructability issues and logistical constraints, and environmental impacts). Although some data could have been presented in tabular form, the majority is qualitative and best conveyed through discussion. In some cases, both text and tables were used, such as for the discussion of multiple spurs and junctions in Section 4.1.2.B.

L003-13

The Authority is currently considering program-level alternatives for the HST to connect the Bay Area to the Central Valley. As described in Chapter 1 of the May 2008 Final Program EIR, the purpose of the tiered environmental review process was to provide for selection of a preferred network alternative and general mitigation strategies to be carried for further, project-level environmental review. The alternatives being screened as part of project-level review are more detailed proposals suitable for project-level consideration. The development of these more detailed, project-level alternatives is appropriately limited to the project EIRs. Depending on the

Authority Board's final decision on a network alternative, revisions to the **ongoing** project-level environmental **analyses may be needed**.

L003-14

The Authority has followed the provisions in CEQA Guidelines section 15088.5 regarding recirculation of an EIR. Section 15088.5(f)(2) identifies the ability of a lead agency to recirculate only those portions of the EIR that involve revisions.

L003-15

El Palo Alto was discussed in 3.9 of the 2008 Final Program EIR. A more detailed review of the impacts on local vegetation, including loss of mature and heritage trees and associated effects will be performed during the preliminary engineering and project-level environmental review. Possible avoidance or minimization of impacts on the mature and heritage trees will be reviewed in detail, and mitigation for the loss of trees will be developed. Also see Standard Response 3 and response to comment O0017-6.

L003-16

Bridges, tunnels, alignments, and station descriptions are provided in Section 2.5.1, with associated appendices: (1) plan and profile sheets in Appendix 2-D, (2) cross sections in Appendix 2-E, and (3) station fact sheets in Appendix 2-F, including parking demand. Maintenance and Storage Facilities for the Bay Area to Central Valley are discussed in Section 2.5.3 of the 2008 Final Program EIR. Signaling, electrification, and communications systems are identified in Section 2.3.2.

Where necessary and in response to the Superior Court in the Town of Atherton case, Chapter 2 and the appendices of the 2008 Final Program EIR were updated in the 2010 Revised Draft Program EIR Material. Chapter 3 of the 2008 Final Program EIR evaluated the facilities identified in Chapter 2, and this evaluation was updated in the 2010 Revised Draft Program EIR Material for those environmental areas where the 2008 Final Program EIR Chapter 2 was revised. Thus, the facilities and alignments identified in this

comment have been evaluated at the Program level and revised where necessary in the 2010 Revised Draft Program EIR Material. As suggested in the comments, these facilities, alignments and stations will be addressed in detail in the forthcoming project-level environmental documents. Also see Standard Response 3.

L003-17

Precise grade separation locations were not specified in the 2005 Statewide Program EIR or the 2008 Final Program EIR. The number and location of proposed grade separations were indicated on the plan and profiles included in Appendix 2-D of the 2008 Final Program EIR. As noted in the comment, the actual location and configuration of these facilities will need to be evaluated in the project-level environmental evaluation. The Authority disagrees that absence of this detailed evaluation at the program-level yields the program level evaluation inadequate.

L003-18

The Program EIR provides an adequate project description. See the 2008 Final Program EIR Chapter 2 and Appendix 2-D. See Response to Comment L003-16.

L003-19

See Standard Response 7 regarding eminent domain.

L003-20

Maintenance and storage facilities were identified and described in Chapter 2 of the 2008 Final Program EIR and appropriately acknowledged in the 2010 Revised Draft Program EIR, which states: "Possible Bay Area locations and sites for fleet storage/service and inspection/light maintenance facility along the preferred HST alternative between Gilroy and San Francisco will be considered as part of the project-level engineering and environmental review."

L003-21

Two types of maintenance facilities are discussed in the 2008 Final Program EIR: the maintenance and storage facilities and the fleet

storage/service and inspection/light maintenance facilities. The statements in the 2008 Final Program EIR document are correct for each of these two types of facilities.

L003-22

The Authority acknowledges that the FRA may be requested to provide an exemption for non-compliant equipment to operate in the same corridor with the HST project, if the Caltrain alignment between San Francisco and San Jose is included in the network alternative ultimately selected by the Authority for further study. This is discussed in the May 2008 Final Program EIR in Chapter 2, pp. 2-16 to 2-17, with respect to the Caltrain Corridor. In May 2010, the FRA provided a waiver to the Peninsula Corridor Joint Powers Board to allow for non-compliant equipment to operate on the Caltrain Corridor as part of Caltrain Electrification. See also Standard Response 9.

L003-23

Use and maintenance of the property under an HST system aerial viaduct will be determined at a later stage in the design of the HST system and will require consideration of numerous factors such as the needs of the HST system, HST security policies, height of the viaduct, and adjoining land uses.

L003-24

See Standard Response 7 regarding eminent domain.

L003-25

This topic was not identified by the Superior Court in the Town of Atherton case as an area requiring additional work under CEQA. Streets and Highways Code section 2704.09 sets forth certain HST system characteristics, including trip times between certain cities, Oakland among them. Also section 2704.09(b) states that nothing in this section shall prejudice the Authority's determination and selection of the HST alignment from the Central Valley to the Bay Area. The 2008 Final Program EIR considers alternatives that would serve Oakland, includes three potential station locations in Oakland,

and notes the ability to meet the requisite express (non-stop) trip times between cities. For example see the Final Program EIR Volume 1, Chapter 2, summary table 2.5-1 (p. 2-23 to 2-26), text and diagrams; Volume 2, Appendix 2-F-16 through 24, and Volume 1, Chapter 7, p. 7-9. Oakland was not included in the preferred alternative. See the Final Program EIR Volume 1, Chapter 8. The information in the 2010 Revised Draft Program EIR Material did not alter the preferred alternative identified in the 2008 Final Program EIR. See p. 7-2 of the 2010 Revised Draft Program EIR Material.

L003-26

The Authority disagrees that the project description of the 2008 Final Program EIR did not adequately describe or disclose that there was an HST segment along the San Francisco Peninsula between San Francisco and San Jose. See Chapter 2, Section 2.5.1, of the 2008 Final Program EIR for a description of segments including between San Francisco and San Jose and also see Chapter 10 for a discussion of outreach. See Chapter 1 in the 2010 Revised Draft Program EIR Material for the basis for preparing and circulating the Revised Draft Program EIR Material.

Although the commenter correctly identifies that no public meetings were held on the Peninsula related to the 2010 Revised Draft Program EIR, we disagree that this has defeated CEQA's information disclosure purposes. CEQA includes no specific requirements for holding public meetings in conjunction with release of a Draft EIR or a revised Draft EIR. The Authority did hold two public meetings to receive comment on the Revised Draft Program EIR in April 2010 in San Jose. Public notification of the release of this document was extended to include notification to more than 50,000 individuals, public entities, and organizations. The Notice of Availability and Notice of a Public Meeting was published in 8 newspapers and distributed to 16 libraries throughout Bay Area and Central Valley. The process fully complies with CEQA.

L003-27

This topic was not identified by the Superior Court as an area requiring additional work under CEQA in the Town of Atherton case. See Standard Responses 3 and 4.

The ridership modeling that resulted in forecasts used in the Program EIR was not identified by the Superior Court for further work to comply with CEQA in the Town of Atherton judgment. Chapter 2 of the 2008 Final Program EIR explains that a new intercity travel demand model was developed by Cambridge Systematics for the Metropolitan Transportation Commission and in cooperation with the Authority. This model was used to develop forecasts for the environmental impact analysis, including a low and high scenario. The main text of the Program EIR references the Cambridge Systematics forecast report and the report is included as a reference. The referenced report includes a more detailed discussion of the methodology used to develop the ridership forecasts, and refers the reader to other modeling reports prepared by Cambridge Systematics. The final forecast report and related reports discussing the model development have been posted on the Authority's website since the fall of 2007. Also see Standard Response 4.

L003-28

This topic was not identified by the Superior Court as an area requiring additional work under CEQA in the Town of Atherton case. See Standard Response 3.

The heading for this comment is "Flawed and Inadequate Business Plan," however, we interpret the comment to refer to the Program EIR. The ridership modeling that resulted in forecasts used in the Program EIR was not identified by the Superior Court for further work to comply with CEQA in the Town of Atherton judgment. We note that Chapter 2 of the 2008 Program EIR did address the basis for the ridership forecasts being used for environmental analysis and references the reader to the ridership documentation prepared by Cambridge Systematics. The 2008 Program EIR analyzed a no project alternative, which discusses the consequences of not constructing the HST system. If the Authority chooses a no project

alternative, the project ridership would not materialize. In addition, the 2008 Final Program EIR includes comparative information on the ridership projections associated with different network alternatives in Chapter 7. Also see Standard Responses 3, 44 and 8.

L003-29

The Authority disagrees that the ridership forecasts are flawed or overestimated. The ridership and revenue modeling provides an appropriate tool for the environmental analysis for which it has been used. See Standard Response 4.

L003-30

Project costs are described in Section 5, Costs and Operations of the 2010 Revised Draft and Final Program EIR Material. As stated in Section 5.1, only those tables requiring revisions are included, all other tables in Chapter 4 of the 2008 Final Program EIR did not require any revisions. The methodologies for calculating costs, the unit costs, the operating costs, and project implementation cost are provided in Appendices A through D of the 2008 Final Program EIR.

L003-31

See Response to Comment L003-112.

L003-32

The capital costs developed by the Authority include construction, right-of-way, environmental mitigation, and design and management services. The construction costs include procurement and installation of line infrastructure (e.g., tracks, bridges, tunnels, grade separations, power distribution, trainsets); facilities (e.g., passenger stations and storage and maintenance facilities); systems (e.g., communications and train control); and removal or relocation of existing infrastructure such as utilities. The estimated right-of-way costs include acquisition of properties needed for construction of the HST infrastructure. Agency costs associated with administration of the program (e.g., design, environmental review, and management) are estimated in terms of add-on percentages to construction costs, and a contingency is added based on the total construction and

right-of-way costs. The unit costs for implementing high-speed trains are well known based on foreign experience and from other major construction projects in California – and have been extensively peer reviewed.

L003-33

More detailed information and analysis of construction impacts and mitigation will be included in project-level EIR/EISs. This analysis will include evaluation of the impacts on potentially affected local businesses. See Standard Response 3.

L003-34

There is no such CEQA requirement. The Authority and FRA's Statewide Program EIR/EIS appropriately answered the basic question of whether the HST project is actually environmentally advantageous for California. Furthermore, this topic was not identified by the Superior Court as an area requiring additional work under CEQA in the Town of Atherton case. See Standard Responses 1, 2 and 8.

L003-35

Detailed and updated cost estimates will be included in the Project EIR/EIS documents for each section. 2006 costs were used to compare with other cost estimates prepared as part of the 2008 Final Program EIR.

L003-36

Ridership and revenue estimates must be included in detailed funding plans to be developed in the future for specific HST corridors or usable segments thereof. Streets and Highways Code sec. 2704.08. There are no statutory requirements addressing ridership in the program EIR, nor does Prop 1A specifically require ridership estimates for a possible Oakland HST station. The 2009 Business Plan presents ridership estimates for an initial phase of HST service from San Francisco through the Central Valley to Los Angeles and Anaheim, consistent with the designation in Proposition 1A of San Francisco to Los Angeles and Anaheim as Phase 1 of the HST

system. See 2009 Business Plan, pp. 70-73; Streets and Highways Code sec. 2704.04(b)(2).

L003-37

The Authority disagrees with the comment. The ridership and revenue modeling provides an appropriate tool for the environmental analysis for which it has been used. See Standard Response 4, explaining the differences in the ridership forecast for environmental review versus business planning purposes.

This topic was not identified by the Superior Court as an area requiring additional work under CEQA in the Town of Atherton case. The December 2009 Business Plan numbers being referenced are for Phase 1 of the HST system (SF-Anaheim) whereas the Final Program EIR forecasts are for the full statewide HST system. The Business Plan explains that the HST fare structure is not yet set and that fares will most likely vary (like on existing HST services and air transportation) depending on a number of factors (time of day, type of service, advanced purchase, etc.). The 2009 Business Plan focuses on a higher estimated average HST fare than used for the Authority's environmental documents – which results in less ridership but higher revenue. The Authority's program environmental documents appropriately utilize forecasts which assume lower HST fares, which would produce higher ridership and therefore greater potential environmental impacts to be analyzed in the environmental review..

L003-38

Detailed and updated cost estimates will be included in the Project EIR/EIS documents for each section. The San Francisco to San Jose Section Preliminary Alternatives Analysis is not the subject of this review.

L003-39

The Authority disagrees that the environmental document did not address the impacts of specific alignment and station locations. See Standard Response 2 regarding the tiered planning and environmental process and Standard Response 3 regarding the level

of detail for impact analysis and mitigation in the program environmental document. Also see the 2008 Final Program EIR and 2010 Revised Draft Program EIR Material.

L003-40

The Authority disagrees that mitigation is inadequately described. Mitigation strategies are discussed in the 2008 Final Program EIR and 2010 Revised Draft Program EIR Material. See Standard Response 3 regarding the level of detail for impacts analysis and mitigation.

L003-41

The 2010 Revised Draft Program EIR Material and 2008 Final Program EIR appropriately identify potential environmental impacts at a program-level. See Standard Responses 1, 2, and 3.

As noted in the 2008 Final Program EIR, there are both passenger and freight operations on the peninsula between San Francisco and Lick ("Peninsula Corridor"). The PCJPB acquired certain rights in this corridor from UPRR's predecessor Southern Pacific Railroad (SP). In accordance with the terms of the purchase and sale agreement between the parties, PCJPB owns the real property, infrastructure, and commuter rail passenger operating rights in the Peninsula Corridor. PCJPB, through its operating entity Caltrain, provides commuter rail service. At the time of the sales transaction, SP (now UPRR) retained a freight easement to provide freight service to customers on the Peninsula Corridor. The terms and conditions by which UPRR provides service to freight customers are reflected in a trackage rights agreement between the parties.

Between Lick and Gilroy, there are also both passenger and freight operations, however the relationship between the parties is reversed from that on the Peninsula Corridor. In this section of right of way, UPRR owns the real property, infrastructure and freight operating rights, and PCJPB has a passenger easement and provides passenger service through Caltrain pursuant to the terms of a trackage rights agreement. The width of the right-of-way in the Lick to Gilroy segment is generally 60 feet wide.

Thus, the statement that UPRR owns and controls the corridor between San Jose and Gilroy is not correct. From San Jose to Lick, the corridor is owned by PCJPB and UPRR operates under a trackage rights agreement. From Lick to Gilroy, Caltrain operates passenger service on right-of-way owned by UPRR.

The 2010 Revised Draft Program EIR Material makes it clear that the proposed HST corridor alignment in the Lick to Gilroy project segment would be adjacent to, but not within, the UPRR operating right-of-way. As part of the project-level EIR activities, the Authority will prepare an Alternatives Analysis for alignments that are part of the network alternative ultimately selected by the Authority for further study. Please also see responses to letter O002 received from the UPRR.

L003-42

This topic was not identified by the Superior Court as an area requiring additional work under CEQA in the Town of Atherton case. Section 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the Revised Draft Program EIR Material and Section 3.7 of the May 2008 Final Program EIR discussed the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts analysis, the study area is narrower as noted above to better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3 of the May 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation.

L003-43

This topic was not identified by the Superior Court as an area requiring additional work under CEQA in the Town of Atherton case. Appropriate significance criteria have been used for the Authority's CEQA program level documents.

L003-44

The HST system would improve inter-modal connectivity with local and commuter transit systems. Prop 1A provides \$950 million in bond funds for rail capital improvements complementary to the HST system. These funds must be allocated to intercity, commuter and urban rail systems and shall provide direct connectivity and benefits to the high-speed train system and its facilities or be part of the construction of the system.

Caltrain has stated that their future as a viable commuter rail system is dependent on funding associated with the HST. CHSRA coordination with Caltrain will assist with realizing critical improvements to the Caltrain system in conjunction with the implementation of the HST. In addition, Caltrain would benefit from the creation of a fully grade-separate right-of-way, allowing trains to operate more safely by eliminating at-grade traffic and pedestrian crossings.

The PCJPB owns the Caltrain right-of-way from San Jose to San Francisco. The Authority and PCJPB have negotiated a memorandum of understanding (MOU) to work together on the corridor and to develop a "single vision" for the corridor moving forward into the future. The MOU was approved by the California High Speed Rail Authority Board on March 5th, 2009. The PCJPB approved the MOU on April 2nd, 2009.

The purpose of this MOU is to establish an initial organizational framework for CHSRA and PCJPB to engage as partners in the planning, design and construction of appropriate improvements in the Caltrain Rail Corridor to accommodate both the near-term and long-term needs of the parties. As work on the HST system proceeds, it is expected that the MOU will be amended or replaced in

order better to address the specific roles and responsibilities of the parties.. Also see Standard Response 10.

The precise alignment and profile options for the HST system will be further evaluated and refined as part of the preliminary engineering and project-level environmental review and will include trench and/or tunnel concepts in sensitive areas or where it is an appropriate and necessary design option for the network alternative that is ultimately selected by the Authority for further evaluation. Available right-of-way, impacts on adjacent communities and costs will be among the factors considered as part of this review.

L003-45

The Revised Draft Program EIR addresses the issues identified by the court in the Town of Atherton case for further CEQA compliance, including the issue of property impacts as they relate to UPRR's denial of use of its right-of-way. Other types of local impacts were not identified by the court as requiring further CEQA compliance. The court did hold that local impacts such as noise, visual, and effects on mature and heritage trees were adequately assessed for a program EIR.

L003-46

The terms "exclusive" and "shared" are defined in Sections 2.1.2 and 2.3.2 of the 2008 Final Program EIR. As stated in that section: "... A fully grade-separated, access-controlled right-of-way would be constructed, except where the system would be able to share tracks at lower speeds with other compatible passenger rail services. Shared-track operations would use existing rail infrastructure in areas where construction of new separate HST facilities would not be feasible. Although shared service would reduce the flexibility and capacity of HST service because of the need to coordinate schedules, it would also result in fewer environmental impacts and a lower construction cost." (emphasis added)

The shared-track operating scenarios described above contemplate two different service arrangements. In the passenger only arrangement, HST would share the same tracks in joint operation with other passenger service providers as permitted by federal safety

laws and FRA implementing regulations. The freight only arrangement would operate on the same tracks as the passenger service providers but at different times of the day. Known as "temporal separation", this shared use scenario is common in the industry with passenger service typically operating during daytime hours and freight operators providing service during a "nighttime window".

L003-47

The 2008 Final Program EIR assumed that Caltrain and HST would remain within the existing right-of-way at most locations, such that trees outside the right-of-way would not be removed, although some trimming could be required for vegetation intruding on the right-of-way. If it is determined through project-level analysis, that there is a need to acquire adjacent properties for locations where the current Caltrain right-of-way is not wide enough to accommodate the addition of HST, replacement landscaping would likely be established outside the area required for rail operations and landscaping may be proposed to screen certain HST facilities from view. See response to comment 0017-5..

Types and routes of transmission lines to supply electricity to the HST depend on detailed engineering to determine where the line would interface with the existing powergrid and where the feeder lines would connect to the railway.

The infrastructure for overhead electrification would be visible, but its visibility would be low. Consider that San Francisco's Union Square is bounded on two sides by overhead wires to power the City's electric buses. These wires and their poles, over busy city streets, are not highly visible at all and do not comprise part of one's visual memory of Union Square.

Specific locations and the scale of impacts would be further examined in detail as part of the project-level EIR/EIS because they are a product of the HST system design, and the detailed studies necessary to identify the presence of the impact, the level of impact significance, and mitigation can only be done at the project level.

L003-48

Mitigation for noise impacts, including soundwalls, cannot be determined at the program level. Noise mitigation specifics will be developed as part of the project-level EIR/EIS. The project specific analysis would identify the materials for soundwalls, locations along the railway where they would be constructed, and an appropriate height. Assuming soundwalls would be needed for the entire Caltrain corridor is premature at the program-level. Also see Standard Response 5.

Visual impacts were analyzed for the entire Caltrain corridor, not specific locations. The 2008 Final Program EIR depicts HST running in a combination of at-grade and retained fill through Palo Alto and along most of the Caltrain corridor. This is shown in Appendix 2D, Sheet CC 4 of 6. The height of the fill varies from 7 to 15 feet. A photosimulation was provided in the Final Program EIR of an elevated section passing the Burlingame Caltrain depot. This location was chosen to show the proposed project in the context of a historic building. The Final Program EIR included additional simulations for prototypical locations throughout its study area, but did not include one for Palo Alto. Additional simulations will be undertaken as part of the project-level EIR/EIS analysis.

In the Final Program EIR, shadow impacts were noted for subsections with long distances of elevated alignments, such as in the East Bay. Within the Caltrain corridor, the alignment was evaluated on a retained fill at times. Across the entire corridor, the shadow and shading effects are low. Many locations are already shaded due to the trees, fences or buildings lining the existing right-of-way. Additional visual analysis will be conducted as part of the project-level EIR/EIS.

L003-49

Types and routes of transmission lines to supply electricity to the HST will depend on more detailed engineering to determine where the line would interface with the existing powergrid and where the feeder lines would connect to the railway. This will be addressed at the project level when additional design detail is available and when appropriate mitigation measures would be identified and analyzed.

The project-level EIR/EIS will review all relevant adopted policies and plans/proposed designs and will consider mitigations related to those policies.

L003-50

See Response to Comment L003-47.

L003-51

Grade separations would have varying visual impacts, depending on their design and location. In the specific case of the City of Palo Alto, no vehicular or pedestrian overcrossings were noted in the 2008 Final Program EIR. Grade separations would generally be accomplished by either fully raising the railway over the street, or by partially elevating the railway and partially depressing the street. The view from streets that cross the railway corridor would be partially obscured as one approaches the grade separation, but the extent of this potential impact cannot be determined until the project level analysis, where specific designs would be considered for each crossing.

L003-52

Nighttime lighting associated with the HST project would be limited to stations, maintenance facilities and replacement street and pedestrian lighting, and would be expected to be similar to that which exists for Caltrain stations today, except that the length along the tracks would be greater, as HST would require a 1,400-foot-long platform at stations.

L003-53

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the mainline right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of

farmland impacts as included in the May 2008 Final Program EIR, however, because that analysis already considered land beneath a road or railroad right-of-way as potential farmland, as defined by the California Department of Conservation Farmland Mapping and Monitoring Program. The placement of HST tracks adjacent to the UPRR right-of-way does not increase the level of impact. The mitigation strategies included in the May 2008 Final Program EIR include permanent protection for farmlands by securing easements or participating in mitigation banks, and coordination with local, state, federal, and private farmland protection programs. Although the Authority's decisions related to the 2008 Final Program EIR were rescinded, similar mitigation strategies are expected to be considered by the Authority in future decisions on the Revised Final Program EIR, including a programmatic mitigation monitoring and reporting plan, and would be further refined and applied in the project-level EIR/EISs as more detailed information becomes available.

L003-54

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Air quality and global climate change was not one of those topics. Refer to Chapter 3.3 of the 2008 Final Program EIR where air quality and global climate change impacts are discussed. More detailed analysis of potential operational, maintenance, and construction air quality impacts will be provided during project-level environmental review, when more detailed information will be available concerning system design and placement, including at-grade, trench, tunnel, and elevated tracks.

L003-55

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Air quality and global climate change was not one of those topics. Refer to Chapter 3.3.6 of the 2008 Final Program EIR. It is noted that construction impacts and potential mitigation measures would be addressed in subsequent project-level EIR/EIS analyses. More detailed analysis of potential

operational and construction air quality impacts will be provided during project-level environmental review, when more detailed information will be available concerning system design and placement as well as construction. Once alignments are established, a full construction analysis would be conducted. This analysis will quantify emissions from construction vehicles, excavation, worker trips, and other related construction activities of constructing the HST system (rail, station, maintenance facilities, substations, transmission lines, etc.), including traffic detours. Specific mitigation measures, if required, would be identified and a construction monitoring program, if required, would be established.

L003-56

See Response to Comment L003-55.

L003-57

See Response to Comment L003-55.

L003-58

See Standard Response 4 regarding ridership. The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Greenhouse gases and air quality was not one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR.

L003-59

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Air quality and global climate change was not one of those topics. Refer to Chapter 3.3 of the 2008 Final Program EIR. More detailed analysis of potential operational and construction air quality impacts will be provided during project-level environmental review, when more detailed information will be available concerning system design and placement as well as construction. The air quality and global climate change analysis in the 2008 Final Program EIR utilized information on airplane emissions from the FAA's Emission and Dispersion

Modeling System (EDMS). The EDMS estimates the emissions generated from a specified number of landing and take-off (LTO) cycles. Along with the emissions from the planes themselves, emissions generated from associated ground maintenance requirements are also included. See also Standard Response 4 regarding ridership.

L003-60

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Air quality and global climate change was not one of those topics. Refer to Chapter 3.3 of the 2008 Final Program EIR where air quality and global climate change impacts are discussed. More detailed analysis of potential operational, maintenance, and construction air quality impacts will be provided during project-level environmental review, when more detailed information will be available concerning system design and placement, including at-grade, trench, tunnel, and elevated tracks.

L003-61

The Authority disagrees that the air quality analysis is flawed. The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Air quality and global climate change was not one of those topics. Refer to Chapter 3.3 of the 2008 Final Program EIR. As noted in the program analysis, additional electrical power would be required to operate the HST system. Because of the nature of electrical power generation and the use of a grid system to distribute electrical power, it is not yet clear which facilities would be supplying power to the HST system. The document states that CO, PM10, PM2.5, NOX, and TOG burden levels would be predicted to increase because of the power requirements of the HST. It further states the "If it is decided that the project would be run on 100% clean, zero-carbon emissions electricity, there would be no predicted increase in CO2 levels due to the project's increased electrical requirements". The document states "if" and not "will" run on 100% clean, zero-carbon emissions electricity.

L003-62

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Air quality and global climate change was not one of those topics. Refer to Chapter 3.3 of the 2008 Final Program EIR where air quality and global climate change impacts are discussed. The analysis concludes that HST would reduce overall emissions statewide. The proposed HST system would result in beneficial impacts related to GHGs and global climate change. Any additional carbon entering the atmosphere, whether by emissions from the project itself or by removal of carbon sequestering plants (included agricultural crops), would be more than offset by the beneficial reduction of carbon resulting from the project due to a reduction in automobile vehicle miles traveled (mobile sources) and reduction in the number of airplane trips.

L003-63

See Response to Comment L003-55 regarding air quality construction impacts.

L003-64

See Response to Comment L003-44.

L003-65

See Response to Comment L003-54.

L003-66

See Response to Comment L003-55.

L003-67

See Response to Comments L003-54 and L003-55.

L003-68

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. It should be noted that the U.S. EPA and U.S.

Army Corps of Engineers have been involved throughout the project and have agreed to the scope and methods of evaluation at each stage. Impacts to biological resources were considered in Chapter 3.15 of the May 2008 Final Program EIR. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. The analysis in Section 3.15 also identifies the need for field reconnaissance-level surveys to be conducted as part of the future Tier 2 project-level environmental analysis. These future surveys will determine specific wetland type, quality, habitat conditions, and impacts along the HST alternative and surrounding areas. At the project level, the Authority is committed to working with the resource agencies to identify alignments that would further avoid or minimize potential impacts. Mitigation strategies identified at the program level will be refined and applied at the project level to mitigate significant impacts. The Authority will continue coordination with all agencies and organizations involved to identify specific issues and develop solutions that avoid, minimize, and mitigate potential biological impacts.

L003-69

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. The Authority did not “only equate miles of disturbance with environmental impacts” as suggested. However, in some cases, miles of disturbance can be helpful towards explaining differences in potential impacts between alternatives. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. Refer to Chapter 3.15 of the 2008 Final Program EIR. As noted in Chapter 8 of the Final Program EIR, the U.S. EPA and the U.S. Army Corps of Engineers concurred with this level of information to identify the Pacheco Pass network alternative serving San Francisco via San Jose was the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2008.

L003-70

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR. The biological analysis was based on the thresholds and criteria set in CEQA Appendix G. Impacts on nonsensitive species and habitats were not considered a criterion to base decisions of identifying a preferred alternative. Methods of impact evaluation for the project were developed with input from both state and federal resource agencies. Additional detailed information regarding potentially affected species will be provided in the subsequent project-level environmental evaluation and documentation. This information will include species descriptions, distribution, seasonal activity, range, reproduction, habitat characteristics, population status, threats, conservation status, and a detailed evaluation of effects of the project and proposed mitigation.

L003-71

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR. The analysis in Section 3.15 also identifies the need for field reconnaissance-level surveys to be conducted as part of the future Tier 2 project-level environmental analysis. These future surveys will determine specific habitat conditions and impacts along the entire preferred HST network alternative and surrounding areas. This detailed analysis will identify specifically where there are construction and operation impacts, including noise, vibration, and potential pollution concerns, on critical wildlife corridors, wetlands, sensitive habitat, and special-status species. At the project level, alignments would be further designed to avoid or minimize potential impacts. Mitigation strategies identified at the program level will be refined and applied at the project level to mitigate significant impacts. The Authority will continue coordination with all agencies and organizations involved to identify specific issues and develop

solutions that avoid, minimize, and mitigate potential biological impacts. See also Response to Comment L003-70.

L003-72

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the mainline right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of biological resources and wetland impacts as included in the May 2008 Final Program EIR. Moreover, the study area as discussed in the 2008 Final Program EIR extended out 1,000 ft in urban areas and 0.25 mile in rural areas on each side of the alignment. The impacts analysis in the 2008 Final Program EIR, therefore remains valid.

L003-73

A more detailed review of the impacts on local vegetation, including loss of mature and heritage trees and associated effects along the Caltrain Corridor will be performed during the preliminary engineering and project-level environmental review. Possible avoidance or minimization of impacts on the mature and heritage trees will be reviewed in detail, and mitigation for the loss of trees will be developed.

L003-74

A detailed impacts analysis of the addition of the HST service to existing railroad corridors will be undertaken as part of project level engineering and environmental analyses. Removal of trees and other vegetation will be avoided to the extent possible. Operational and construction impacts including those related to the removal of trees corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detailed studies necessary to identify the

presence of the impact, the level of significance, and mitigation can only be done at the project level.

L003-75

See Response to Comment L003-74.

L003-76

The 2008 Final Program EIR assumed that Caltrain and HST would remain within the existing right-of-way at most locations, meaning that trees outside the right-of-way would not be removed, although some trimming could be required for vegetation intruding on the right-of-way. The Caltrain Electrification tree survey was an appropriate level of information for a program-level review and analysis. Further analysis can be conducted as part of the project-level EIR/EIS.

L003-77

A more detailed review of the impacts on local vegetation, including loss of mature and heritage trees, including El Palo Alto, and associated effects along the Caltrain Corridor will be performed during the preliminary engineering and project-level environmental review. Possible avoidance or minimization of impacts on the mature and heritage trees will be reviewed in detail, and mitigation for the loss of trees will be developed.

L003-78

A more detailed review of the impacts on local vegetation, including loss of mature and heritage trees and associated effects will be performed during the preliminary engineering and project-level environmental review. Possible avoidance or minimization of impacts on the mature and heritage trees will be reviewed in detail, and mitigation for the loss of trees will be developed.

L003-79

The revised project description between San Jose and Gilroy would not result in changes to the discussion of cultural resources beyond what was identified in the 2010 Revised Draft Program EIR related to

Keesling's shade trees. The analysis for cultural resources in Chapter 3.12, Cultural Resources and Paleontological Resources, in the May 2008 Final Program EIR evaluated an Area of Potential Effect (APE) of 500 ft on each side of the centerline of proposed HST alignments where additional right-of-way could be needed; 100 ft on each side of the centerline for HST alignments along existing highways and railroads where very little additional right-of-way would be needed; and 500 ft around station locations. The placement of HST tracks adjacent to the UPRR right-of-way does not increase the level of impact at the program level beyond what was identified in the Revised Draft Program EIR. A detailed cultural resources investigation and evaluation of measures to minimize and mitigate impacts consistent with Section 106 of the National Historic Preservation Act will be conducted as part of project-level environmental documents.

Throughout the program environmental process, the Authority and FRA have consulted with the State Historic Preservation Office (SHPO) regarding the HST project. At the program level, the FRA and the Authority initiated consultation with the California Native American Heritage Commission (NAHC) and requested a search of their Sacred Lands file to identify any traditional cultural properties that could be potentially impacted or affected by the project, and requested lists of Native Americans to contact for the areas that could be affected by the project, as required by 36 CFR § 800.4(1)(4). The FRA and Authority have coordinated with Native Americans as part of the program environmental process identifying proposed project alternatives and requesting information about any archaeological sites, traditional cultural properties, or sacred sites that could be affected by the project. Authority staff contacted tribal representatives to discuss the HST Alignment Alternatives under consideration for the Bay Area to Central Valley.

Cultural resources studies for the program included records searches obtained from the appropriate California Historical Resources Information System (CHRIS) Information Centers. The records searches identified the general locations of previously recorded archaeological sites in the APE. Prior studies were also reviewed to identify site locations and to identify areas with high archaeological

sensitivity. The method used to predict potential effects and impacts of the HST program on historic properties and historical resources was based upon estimating the amount of historic development that occurred along each proposed alignment alternative and the records search. These estimates were based upon review of existing documentation, including historical maps, aerial photographs, and local inventories, and the preparers' knowledge of the history of the region. No field surveys to identify archaeological resources or historic-period properties/resources were conducted, nor would this be appropriate for a program-level analysis. Surveys will be conducted as part of the project-level EIR/EIS. The Authority and FRA worked with the SHPO on the phased approach for cultural resources.

See Chapter 3.12 of the 2008 Final Program EIR for mitigation strategies. Resource-specific cultural resources mitigation measures such as those resulting from noise, vibration, and visual intrusion will be developed as part of the project-level EIR/EIS and through Section 106 of the National Historic Preservation Act. Under Section 106 (36 CFR § 800), the procedures to be followed at the project level include identification of resources, evaluation of their significance under the National Register of Historic Places and CEQA, identification of any substantial adverse effects, and evaluation of potential mitigation measures. Specific resources within the Area of Potential Effects will be further examined in detail at the project level because the identification of potentially affected resources and project effects and mitigation are dependent on the HST location and system design, and can only be done at the project level.

L003-80

See Response to Comment L003-79.

L003-81

See Response to Comment L003-79.

L003-82

See Response to Comment L003-79. El Palo Alto, the old Palo Alto tree, has lived next to the railway since 1863, with the current

double-track configuration in place since 1904. The HST tracks depicted in the 2008 Final Program EIR run to the west of the existing tracks, further from El Palo Alto than the existing tracks. Analysis of historic resources in the project-level EIR/EIS studies will help determine the design and mitigations needed to avoid adverse impacts to sensitive historic resources.

L003-83

Different study areas were defined to assess different types of impacts in Chapter 3 of the 2008 Final Program EIR. For many of the environmental resources, broad study areas were defined to describe a wide context of the existing resources in proximity to proposed improvements. The right-of-way necessary for the improvements considered is 25 ft on either side of centerline. Section 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the 2010 Revised Draft Program EIR Material and Section 3.7 of the 2008 Final Program EIR discuss the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts analysis, the study area is narrower as noted above to better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3 of the 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation.

L003-84

In developing demographic profiles, it is professional practice (and also practiced by most State Departments of Transportation and

Metropolitan Planning Organizations) to identify environmental justice communities by using a threshold level for percentage of minority and low-income individuals within a given geographic area. The percentage thresholds in the 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material were used to identify locations within the study area where there were higher than average concentrations of environmental justice communities as compared to the surrounding study area, city and/or county as a whole. In addition, the Program EIRs evaluated size and type of right-of-way needed for the alignment alternatives and proximity to environmental justice populations. These factors provide a reasonable indication of where potential benefits or disproportionate impacts to minority and low-income populations would be most likely to occur. Because this is a program-level document, the analysis considered the potential for environmental justice impacts on a broad scale. Additional analysis and public outreach will take place during project-level investigations to identify minority and low-income individuals including any dispersed locations of these populations and to consider potential localized disproportionately high and adverse effects. See also Standard Response 3.

L003-85

A ranking of alignments in terms of seismic hazards and potential for surface rupture (Active and Potentially Active Fault Crossings) is provided in Chapter 3.13, Geology of the 2008 Final Program EIR allowing for a comparison of relative potential impacts. Design practices are provided in Chapter 3.13.4 and mitigation strategies are provided in 3.13.5, including mitigation for construction and operation over an active fault. As described in the 2008 Final Program EIR, the HST alignments would not cross the Calaveras Fault in a tunnel for the Pacheco Pass Alignments, but would cross in tunnel for the Altamont Alignments.

Chapter 3.13.3 states: "To cross this fault line in tunnel would require additional design and mitigation work to address safety issues. Alternatively, to meet the Authority's objective of crossing major fault zones at grade, as noted in Chapter 2, would require redesign and realignment of the Altamont Alignment alternatives and would result in increased environmental impacts, as well as

increased travel times for the Altamont alignment alternatives. Overall, the alignment alternatives are ranked high in this corridor with respect to both seismic hazards and fault rupture."

Mitigation strategies in this section of the 2008 Final Program EIR state:

"The following mitigation strategies can be refined and applied at the project-specific level and will reduce this impact:

- Install early warning systems triggered by strong ground motion associated with ground rupture, such as linear monitoring systems (TDRs) along major highways and rail lines within the zone of potential rupture to provide early warnings and allow temporary control of rail and automobile traffic to avoid and reduce risks."
- Avoid active faults to the extent possible. Where avoidance is not possible, cross active faults at grade and perpendicular to the fault line, whenever possible. Where tunnel use is necessary across an active fault, assure safety through advanced tunnel design and fire/life/safety systems, or pursue further design and alignment variations to allow crossing at grade or on aerial structures."

See Standard Response 3.

L003-86

Please see Response to Comment L003-85.

L003-87

A ranking of alignments in terms of seismic hazards and potential for surface rupture (Active and Potentially Active Fault Crossings) is provided in Section 3.13: Geology of the 2008 Final Program EIR allowing for a comparison of relative potential impacts. Liquefaction is discussed as part of the seismic hazard portion of this section. As the design of the HST system is progressed at the project-level, a more detailed evaluation of seismic hazards and mitigation will be provided.

Design and construction of foundations to mitigate the potential effects of liquefaction is not considered to require unusually complex solutions. Mitigating for liquefaction is common and would not result in meaningful additional potential impacts at the level of this program EIR/EIS. Further evaluation of this issue will occur during the project level environmental process.

L003-88

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Geology and soils was not one of those topics. Please see Section 3.13 of the 2008 Final Program EIR. The level of detail being requested is not appropriate for evaluation in a program level environmental document. These issues will be addressed in more detail during the project level environmental process when more information on design and location are available. See also Standard Response 3.

L003-89

Please see response to comment L003 – 87.

L003-90

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Public health and safety impacts due to possible derailments on the UPRR, Caltrain or HST lines were not one of those topics. The HST would be designed to have fully grade-separated tracks with state-of-the-art safety, signaling, and automated train control systems to minimize the potential for derailment. The Authority would build upon the extensive experience of HST operations in other countries. Future HST Operations Plans will include emergency response measures. FRA regulations also address safety concerns, and this system would comply with those regulations. A more detailed review of the safety impacts of the HST system will be performed during the preliminary engineering and project-level environmental review. See responses to letter O002 and Standard Response 9.

L003-91

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Possible collisions with trains was not one of those topics. The HST would be designed to have fully grade-separated tracks with state-of-the-art safety, signaling, and automated train control systems to minimize the potential for derailment. The Authority would build upon the extensive experience of HST operations in other countries. Future HST Operations Plans will include emergency response measures. FRA regulations also address safety concerns, and this system would comply with those regulations. A more detailed review of the safety impacts of the HST system will be performed during the project-level engineering design and project-level environmental review. See responses to letter O002 and Standard Response 9.

L003-92

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Section 3.11 of the 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts, such as underground toxic plumes, and mitigation measures will be part of a project-level EIR/EIS because the determination of impact is a product of the HST system design and can only be done at the project level. See also Standard Response 3.

For each project-specific environmental document that tiers off the Program EIR/EIS, a subsequent analysis consisting of an environmental site assessment (ESA) would need to be conducted to identify and further analyze potential hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project. This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Tasks to be performed as part of the ESA include: environmental database search, review of historical land uses and maps, site reconnaissance, agency

records review/interviews, and data analysis and report preparation. Based on the information presented in the project-level ESA a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed (e.g., hydrogeologic investigation). This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

L003-93

See Response to Comment L003-92. Please see Section 3.11 of the 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos along rail right-of-way will be included in project-level environmental documents. A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of contaminated soil and groundwater; a site-specific Health and Safety Plan (HASP), including measures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered, such as along railroad rights-of-way. In addition, other mitigation strategies include investigation of soils and groundwater for contamination and preparation of environmental site assessments when necessary; realignment of the HST corridors to avoid identified sites; relocate HST-associated facilities, such as stations, to avoid identified sites; and remediation of identified hazardous materials and hazardous waste contamination.

L003-94

See Responses to Comment L003-92 and L003-93. The potential to encounter contaminated groundwater is discussed in Section 3.11 of the 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures will be included as part of the project-level EIR/EIS.

L003-95

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hydrology and water resources was not one of those topics. Please see Chapter 3.14 of the 2008 Final Program EIR. Potential impacts from tunneling on groundwater for Altamont alternatives as well as mitigation strategies were discussed in this chapter. More detailed analyses related to groundwater impacts will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available.

L003-96

Program-level impacts and mitigation strategies for streams and riparian habitats were discussed in the 2008 Final Program EIR, Chapter 3.14, Hydrology and Water Resources and 3.15, Biological Resources and Wetlands. The Authority disagrees that the analysis of floodplain impacts was flawed. At the program level, the area of 100-year floodplains, as defined by FEMA, were identified and estimated to evaluate the area of floodplain potentially affected by project alternatives for comparison purposes. See Standard Response 3. More detailed analyses will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available.

L003-97

See the 2008 Final Program EIR, Chapter 3.14, Hydrology and Water Resources, Sections 3.14.4 and 3.14.5 regarding Authority design practices and mitigation strategies for groundwater. As a design practice, geologic/soils/groundwater conditions would be evaluated

prior to and monitored during construction to aid in the development of construction techniques and measures to minimize effects to ground- and surface water resources during operation. Based on available geologic information and previous tunneling projects in proximity to proposed tunnels, the Authority plans to fully line tunnels with impermeable material to prevent infiltration of ground- or surface waters. Mitigation to reduce potential impacts from construction and operation of project components on groundwater discharge or recharge are discussed in Section 3.14.5 and would be further refined as part of project-level environmental analyses. More detailed analyses related to groundwater impacts will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available.

L003-98

See Response to Comment L003-95 and Standard Response 3.

L003-99

See the 2008 Final Program EIR, Chapter 3.14, Hydrology and Water Resources. Indirect impacts may include such downstream effects as sedimentation, turbidity, impacts to water-dependent species, changes in flow-rate, erosion due to run-off, and ponding due to changes in flood flows. These impacts typically occur outside of the project footprint. Without project-level detail, it is difficult to identify specific locations for indirect impacts. The HST would be designed and constructed to minimize additional impacts on the floodplain by constructing culverts under the track to convey anticipated storm flows and to minimize ponding and flooding. In some locations, the trackway would be constructed on elevated structure to allow passage of storm flows. More detailed analyses related to floodplain and flood risk impacts will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available.

L003-100

At the program level the environmental impacts related to the floodplain and potential diversion of flows cause by program features would be similar in both the 100-year and 500-year floodzone.

Certainty of the 100-year flood boundary delineation is better statistically defined and appropriate for a program level analysis when determining likely impacts. Inclusion of the 500-year floodplain boundary does not alter the severity of the impact but may increase the occurrence. More detailed floodplain analysis will be conducted as part of the project-level EIR/EIS.

L003-101

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the mainline right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of impacts on water resources as included in the May 2008 Final Program EIR, however, because the data used (USGS National Hydrography Dataset) maps the streams, creeks, lakes, and other water bodies where they lie including when roads or railroads pass over them. South of Lick where the alignment would be adjacent to UPRR's right-of-way, the analysis already considered land beneath a road or railroad right-of-way as a potential stream, as defined by the USGS. The placement of HST tracks adjacent to the UPRR right-of-way does not increase the level of impact. The impacts analysis in the 2008 Final Program EIR, therefore remains valid.

L003-102

Potential impacts related to the addition of impervious surfaces as well as mitigation strategies were discussed in Chapter 3.14, Hydrology and Water Resources. The change in impervious surfaces in most cases would be minimal because the alignment would be adjacent to or within existing (Caltrain) rail corridors and roadway corridors, which are already developed. Where alignments extend through open space or agricultural areas on a new track, there could be an increase in impervious surfaces if the HST used direct fixation to slab-track rather than permeable track bed. However, either would be more permeable than impervious pavement resulting in a

low runoff potential. More detailed analyses related to runoff and impervious surfaces will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. See Standard Response 3.

L003-103

At the program level the environmental impacts related to the floodplain and potential diversion of flows cause by program features would be similar in both the 100-year and 500-year flood zone. Certainty of the 100-year flood boundary delineation is better statistically defined and appropriate for a program level analysis when determining likely impacts. Inclusion of the 500-year floodplain boundary does not alter the severity of the impact but may increase the occurrence. More detailed floodplain analysis will be conducted as part of the project-level EIR/EIS.

L003-104

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Growth inducement was not one of those topics. The potential to induce sprawl was addressed in Chapter 5 of the 2008 Final Bay Area to Central Valley Program EIR.

L003-105

One purpose of the 2010 Revised Draft Program EIR was to examine the potential effects on the need for property of UPRR denying use of its right of way. Chapter 3 explains that the Caltrain Corridor between San Francisco and San Jose is unique because the rail right of way is publicly owned by the PCJPB, which has expressed its willingness to cooperate with the Authority on HST service on this corridor. We disagree that it is likely that the HST system would have to be relocated outside the right of way. UPRR's February 23, 2009, scoping comment letter for the San Francisco to San Jose project-level environmental review identifies concerns about safe HST operations on this corridor and concerns that HST operations not cause increased operating costs or operating inefficiencies for UPRR. The letter also expresses UPRR's willingness to continue engaging in a dialogue with CHSRA to ensure its concerns are

addressed. UPRR's April 23, 2010, comment letter on the Revised Draft Program EIR does not specifically mention the San Francisco to San Jose corridor.

L003-106

Chapter 3 of the Revised Draft Program EIR explains that the need to widen the size of the existing rail right of way in the San Francisco to San Jose corridor to accommodate four tracks and UPRR freight operations would result in a need for property acquisition at a higher level than previously disclosed in the 2008 Final Program EIR. The Authority disagrees that the need for limited property acquisition in some areas along an existing railroad right of way would create a new barrier where the existing railroad divides existing communities constructed along the rail corridor. See L003-105 explaining why the Authority does not agree there is a need to locate the corridor completely outside such a publicly-owned right of way.

L003-107

Both the 2008 Final Program EIR and the 2010 Revised Draft Program EIR address future land use compatibility based on information from general plans and other regional and local transportation planning documents. These documents were examined to assess an alignment alternative's and station location option's potential consistency with the goals and objectives defined therein. Because this is a program-level document, the analysis evaluated land use compatibility on a broad scale. Project-specific effects on land use, planning and development will be evaluated at the project-level.

L003-108

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that for HST alternatives using the Caltrain corridor, HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary.

The specific project design and temporary construction impacts cannot be assessed until additional engineering design detail is provided and the full extent of impacts cannot be understood until studies are conducted during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours.

L003-109

See Standard Response 6 regarding property values and Response to Comment L003-108.

L003-110

The 2008 Final Program EIR states that the proposed San Francisco to San Jose: Caltrain corridor would have a "high" compatibility rating because it would be primarily within an active commuter and freight rail corridor. In addition, construction of grade separations where none previously existed would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives is being carried forward in the project level analyses.

L003-111

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none previously existing would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening.

L003-112

Table 3.7-1 of the 2008 Final Program EIR/EIS and Table 2-1 of the Revised Draft Program EIR Material state that high schools would have a "medium" compatibility and elementary /middle schools would have a "low" compatibility with HST. Elementary school children spend a greater time outside of the classroom than high school students; therefore, they would be more likely to be exposed to any potential effects from HST. In addition, elementary/middle school children are more likely than older students to be distracted by elements in the external environment. Site specific noise/vibration, construction, and train operational impacts on sensitive receptors such as schools, will be part of subsequent project-level environmental documents.

L003-113

Procedures for maintaining the HST's infrastructure and surrounding right-of-way would be addressed in the project-level EIR/EIS studies. See responses to comments O022-7 and O023-17.

L003-114

Section 3.18 of the 2008 Final Program EIR describes the construction methods and related types of impacts considered for assessing and qualifying the potential environmental impacts from construction activities. Some construction impacts (such as noise, traffic disruption and dust) would be universal in nature, whereas some others may be site-specific.

Additional study of potential site-specific impacts will be carried out as part of the project-level environmental process. The Authority will evaluate alignment and design options and will assess how these alignment options can be constructed in order to avoid and minimize impacts to community features such as schools, trees, parks, residences, etc. The Authority, along with the cities and communities, will assess the potential impacts on features such as h schools along the alignments being evaluated and will identify appropriate mitigation measures as part of the project level environmental process.

L003-115

Comment acknowledged.

L003-116

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. The noise analysis in the 2008 Final Program EIR was not one of those topics. Please see Chapter 3.4 of the 2008 Final Program EIR. More detailed information and analysis of noise and vibration impacts on sensitive receptors and mitigation measures will be part of a project-level EIR/EIS because the determination of impact is a product of more detailed HST system design and engineering, and requires additional study at the project level. See also Standard Response 3.

The noise and vibration analysis in the 2008 Final Program EIR identified potential noise and vibration impacts on sensitive receptors or receivers, such as residences areas, schools, hospitals, and parklands. Chapter 3.4 also discusses the potential benefits of adding grade separations for existing railroads. Because this is a

program-level environmental document, the analysis of potential noise and vibration impacts broadly compares the relative differences in potential impacts between the alternatives and HST alignment options. General mitigation strategies are also discussed. See also Standard Response 5.

L003-117

See the Response to Comment L003-116.

L003-118

More detailed information and analysis of noise and vibration impacts and mitigation will be included in project-level EIR/EISs. The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. Mitigation for noise and vibration impacts are presented in Chapter 3.4 of the 2008 Final Program EIR in Section 3.4.5, Mitigation Strategies and CEQA Significance Conclusions, and will be further reviewed and evaluated in project-level environmental documents for selected alignments, stations, and other system facilities when more detailed information will be available regarding system engineering and design and alignment locations. Also see Chapter 3.12, Cultural Resources and Paleontological Resources. Refer to Standard Response 3 and Response to Comment L003-79.

L003-119

Please see Chapter 3.4 of the 2008 Final Program EIR. As stated in Section 3.4.5, based on the analysis and considering the design practices, each of the HST Alignment Alternatives would have significant noise and vibration impacts. The HST Alignment Alternatives would create significant long-term noise and vibration impacts from introduction of a new transportation system. At the same time, the HST Alignment Alternatives would create some long-term noise reduction benefits because noise sources would be eliminated with grade separation of existing grade crossings. It is possible that at the future project-level of analysis, refined data and information would confirm that some sections of the alignment alternatives would result in less-than-significant noise and vibration impacts; however, for purposes of the programmatic analysis, the

long-term noise and vibration impacts are considered significant for all sections. In addition, the HST Alignment Alternatives would involve significant short-term noise and vibration impacts from construction. See Response to Comment L003-18.

L003-120

See the Response to Comment L003-116.

L003-121

See the Response to Comment L003-118.

L003-122

See the Response to Comment L003-116. The project-level noise and vibration analyses will address all aspects of the project, including proposed grade separations and noise and vibration from the grade-separated roadways.

L003-123

See the Response to Comment L003-116.

L003-124

See the Response to Comment L003-116. The project-level noise and vibration analyses will address all aspects of the project, including track maintenance.

L003-125

See the Response to Comment L003-116. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives is being carried forward in the project level analyses.

L003-126

See the Response to Comment L003-116. The project-level noise and vibration analyses will address the influence of climatic conditions.

L003-127

See Chapter 3.4 of the 2008 Final Program EIR. Although the **proposed** HST service in the San Francisco to San Jose (Caltrain) corridor would be going through densely populated communities, the alignment alternatives in this corridor were rated as having a medium level of potential noise impacts because the HST would be traveling at reduced speeds and the communities would benefit from grade separation improvements for existing services and electrification of the railroad. Where there are tunnels or the alignment would be passing through sparsely populated areas, the alignment was rated as having a low level of potential noise impact. The remaining alignment alternatives are rated medium because of the higher population density in proximity to the alignment and the existing parkland and two schools. Vibration impacts along the Transbay Transit Center to 4th/Townsend segment are low. The other alignment alternatives have the potential for medium to high vibration impacts because of the proximity of residential structures to the alignment. **Also see Standard Response 4.**

L003-128

The noise impacts analysis is not an area identified by the Superior Court for further work to comply with CEQA and we note this is a comment on the 2008 Final Program EIR, not the content of the Revised Draft Program EIR. The comment correctly identifies that the text in section 3.4 of the 2008 Final Program EIR indicated medium impacts for HST in the San Jose to Central Valley Corridor and identified speeds in this area as high as 186 mph, not 22mph. More detailed engineering and design of the HST system will generally involve designing the HST tracks to allow for 220 mph speeds where feasible. Actual speeds that an HST vehicle can travel in a particular area, however, are dependent on alignment constraints, train performance characteristics, acceleration and deceleration capabilities, and passenger comfort criteria. Consistent with the text of the 2008 Final Program EIR, it does not appear that it will be necessary for the HST to travel more than 186 mph through Gilroy and Morgan Hill to achieve the Authority's time goal of 2 hours and 40 minutes between Los Angeles and San Francisco. The medium ranking for noise is based on a programmatic methodology,

following the FRA Guidance Manual for Noise and Vibration, which identifies numbers of sensitive receptors to potential noise effects of the high-speed train. The FRA methodology does not assess noise impacts at the program level with respect to sound differentials that may be apparent at different speeds. Project-level noise analysis will examine the effect of train speeds as they relate to sound generation.

L003-129

See the Response to Comment L003-116. The design of noise barriers appropriate for the proposed HST would depend on the location and height of noise-sensitive buildings, as well as the speeds of the trains. Noise barriers 8–10 ft tall could be installed where speeds are relatively low (i.e., wheel/rail noise dominates). Higher noise barriers of 12–16 ft might be used to reduce noise to taller buildings or where speeds are high in noise-sensitive areas. In many locations, noise barriers could be installed on one side of the track only because of the location and proximity of noise-sensitive areas. Application of mitigation to the proposed HST system would result in a considerable reduction of potential noise impacts. The estimates obtained from the results of the representative typologies, as discussed in Chapter 3.4 of the 2008 Final Program EIR, showed noise barriers to be effective in reducing the potential noise impact rating by one category, for example, from high to medium or from medium to low. Consequently, HST Alignment Alternatives with high rating would be adjusted down to, at most, a medium rating. Also see Standard Response 5.

L003-130

See the Response to Comment L003-129. Comment does not specify height.

L003-131

See the response to Comment L003-116. The project-level noise analysis will address the noise levels with mitigation in place, including noise from other sources.

L003-132

See the response to Comment L003-116. The project-level noise analysis will address the impacts of multiple trains in one location.

L003-133

See the response to Comment L003-116.

L003-134

In the Town of Atherton final judgment, included as part of the Revised Draft Program EIR, the Court did not find that the discussion of vibration impacts was faulty, but instead held that the Authority's CEQA finding of fact that the vibration impact could be mitigated to a less than significant level contradicted the EIR and was not supported by substantial evidence. As disclosed in Chapter 1, page 1-4, of the Revised Draft Program EIR, the Authority will address this issue by correcting its CEQA finding when it considers a new decision based on the Revised Final Program EIR.

L003-135

See Standard Response 5.

L003-136

Chapter 5 of the 2008 Final Program EIR addresses potential project effects on regional jobs, employment and urbanization patterns. The program-level analysis combined population and employment growth projections with land consumption forecasts to provide a measure of "land consumed per new job and resident" and to determine the efficiency of each network alternative at accommodating projected growth. A project-specific land use and socioeconomic analysis will be performed including an analysis of project effects on the future jobs/housing balance in the region.

L003-137

The program level environmental process did not evaluate impacts to existing infrastructure to this level of detail, nor was it required to. The HST plan and profile adjacent to Alma Street in Palo Alto, shown on Page 2-D-5 of the 2008 Final Program EIR, identifies a vertical

alignment varying from running at grade to a retained fill varying from approximately 7 to 15 feet.

The conceptual design from the 2008 Final Program EIR would probably involve removing trees and bushes lining the west side of Alma. The value of this volume of overhanging flora in extending the life of the pavement on the street is dubious. Their value in shading the street horizontally from western light would likely be replaced by a retaining wall, berm, soundwall or fencing, landscaped appropriately. Their value in affecting rainfall hitting the street is a delay, not an elimination of the rainfall, but the drainage of both the reconfigured railway and adjoining street will be examined in the project level environmental process. Different vertical alignments and configurations also would be analyzed at the project level.

L003-138

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Public parks and recreation was not one of those topics. The issues of noise, visual, dust, and access are discussed in Chapter 3.16 Section 4(f) and 6(f) Resources (Public Parks and Recreation) of the 2008 Final Program EIR at an appropriate level for a program-level review. More detailed analyses related to impacts on recreational resources during construction and operation will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. See also Standard Response 3.

L003-139

See Response to Comment L003-138. The commenter does not specify which parks or recreational facilities were not accurately identified. More detailed analyses related to impacts on recreational resources during construction and operation will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available.

L003-140

See Response to Comment L003-138. Please see Chapter 3.16 in the 2008 Final Program EIR (section 3.16.2), which identifies the study area for the analysis of Section 4(f) and 6(f) resources (parks and recreational resources) to be the area within 900 ft on either side of the centerline of each alignment alternative and within a 900 ft radius of the stations for each alternative. The study area at the program level was designed capture both direct and proximity (or indirect) impacts such as noise and vibration (also see Chapter 3.4, Noise and Vibration, in the 2008 Final Program EIR). More detailed analyses and field work related to impacts on recreational resources during construction and operation will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available.

L003-141

As noted in Section 7.3.3 of the 2008 Final Program EIR, "These corridors connect different parts of the study region and are fundamentally different and distinct in terms of land use, terrain, and construction configuration (mix of at-grade, aerial structure, and tunnel sections). The HST Alignment Alternatives and station location options considered in each corridor of the study region are discussed below. The analyses in Chapter 3 under Affected Environment, Environmental Consequences, and Mitigation Strategies compile and report information about the affected environment and environmental consequences for each alignment alternative and segment as outlined in the tables. The purpose of this chapter is to summarize and compare the physical and operational characteristics and potential environmental consequences associated with the HST Network Alternatives and for the various HST alignment alternatives within the six corridors."

To enable a full comparison of the corridors, the tables in Section 7.3.3 were designed to consolidate the extensive information contained in the project description (Chapter 2) and environmental review Chapter 3 of the 2008 Final Program EIR. As noted in this comment, these tables are "complex and detailed" so as to fully disclose the characteristics and environmental effects of the multiple

network alternatives, alignments, and station location options identified and evaluated in the 2008 Final Program EIR. The methodologies used for the environmental evaluation are described in each of the Chapter 3 sections and therefore were not repeated in Chapter 7. The tables in 7.3.3 are summarized in the 2008 Final Program EIR Summary, particularly Table S.8-1.

L003-142

Comment noted. The traffic analysis in the 2008 Final Program EIR was conducted at an appropriate level. See Section 3.1 of the 2008 Final Program EIR and Chapter 2 of the 2010 Revised Draft Program EIR for the traffic analysis at the program level. The data used was the best available data at the time of the document. A detailed project-level traffic-analysis study will be based on recent data (from the same year.)

L003-143

Permanent and temporary potential traffic impacts due to the project will be evaluated at the project-level EIR/EIS. Potential changes in traffic volumes on regional roadways that result from project construction and effect of the changed traffic volumes on operations of roadways and critical intersections will be evaluated. Parking demand generated by project construction and effect of construction on pedestrian and bicycle facilities and access, emergency access and transit service will also be evaluated.

L003-144

Nowhere else in the Program EIR alignments, or for that matter the proposed statewide system, is the number of lanes proposed to be reduced to accommodate an HST alignment. The LOS impacts of this proposal were therefore evaluated for this unique situation. Traffic impacts from the stations are proposed to be evaluated for all stations in the Bay Area to Central Valley, and for that matter, the statewide system, in the project-level environmental reviews.

L003-145

See Chapters 3.1 and 2 of the 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material, respectively. The analysis conducted was appropriate at the program level. The transportation plans and policies of local jurisdictions will be reviewed and included in the project-level traffic analysis.

L003-146

See Chapters 3.1 and 2 of the 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material, respectively. The analysis conducted was appropriate at the program level. The program-level EIR/EIS provided a general overview of construction impacts. More detailed analysis of construction impacts of the proposed HST project will be fully analyzed at the project-level EIR/EIS. Potential changes in traffic volumes on regional roadways that result from project construction and effect of the changed traffic volumes on operations of roadways and critical intersections will be evaluated. Once in service, CAHST is projected to attract some long-distance trips from major roadways thereby leading to an overall improvement in traffic conditions in the region.

L003-147

A detailed analysis of traffic and potential parking impacts near HST stations and feasible mitigation measures will be included in the traffic impact analysis study at the project-level EIR/EIS. The analysis of number of parking spaces required and the placement of the parking facilities will be conducted in the project-level EIR/EIS. This information will be documented in a Traffic, Transit, Circulation and Parking Report. Potential parking impacts will be evaluated based on the existing and future parking supply and the projected parking demand. Parking demand will be based upon the patronage and mode of access forecasts at each proposed station, including parking and related circulation impacts for adjacent neighborhoods.

L003-148

Detailed analysis of traffic, circulation, parking, pedestrian and bicycle facilities and transit services will be provided at the project-

level EIR/EIS. Information about rental cars will also be provided at this stage.

L003-149

See Response to Comment L003-148.

L003-150

See Response to Comment L003-148.

L003-151

The comment has not accurately reflected the text of the Revised Draft Program EIR related to the examination of effects on Monterey Highway. Chapter 2 explains why Monterey Highway is currently carrying less traffic than it was designed to support. Chapter 2 refers to the current level of service on this roadway as follows:

"Each of the US 101 projects diverted traffic off Monterey Highway, so that in 2009, the highway carried much less traffic than it was originally designed to support. The existing peak hour roadway level of service (LOS) along Monterey Highway, between Southside Drive in southern San Jose and Bailey Road near Morgan Hill, varies mostly between A and C, showing uncongested conditions even during peak hours in most locations. However, in a few locations, the LOS degrades to D during peak hours, denoting delays and some traffic backup."

In addition, Chapter 2 does not claim that "the loss of two of the six lanes will not significantly affect traffic in the area." Rather, the text identifies that with the loss of lanes, "traffic congestion is projected to increase slightly in both directions, as shown in Table 2-4." Table 2-4 provides information from the City of San Jose depicting northbound and southbound segments and how they will change with the lane reduction on Monterey Highway and identifies level of service degradation associated with the loss of the two lanes. The Revised Draft Program EIR then concludes:

"Pending more detailed evaluation at the project level, a potentially significant traffic impact would occur where the northbound four-lane Monterey Highway LOS degraded to LOS D or worse between

Senter and Blossom Hill. The reduction of travel lanes on Monterey Highway and the addition of HST would not be anticipated to result in a significant impact for the southbound segments based on a preliminary evaluation by the City of San Jose Department of Transportation." (emphasis added)

The EIR thus recognized that at a program level, significant traffic impacts may occur from the reduction of lanes on Monterey Highway and incorporated several mitigation strategies to address the impact. The strategies identified, including optimized signal timing, synchronizing signals, selectively adding new turn lanes, and increasing transit services, are consistent with traffic strategies being undertaken by the City of San Jose. At the program level, however, the EIR concluded that the impacts on Monterey Highway must be considered significant, even with the implementation of mitigation strategies. The text expressly identifies that at the project-level of analysis, a "Transportation impact analysis will be required to identify and evaluate specific project impacts on traffic and identify mitigation measures."

The comment questions how the EIR can conclude that there will be a decrease in traffic demand with lane narrowing on certain segments of Monterey Highway. Table 2.4 does show a decrease in traffic volumes for several northbound and southbound segments with the reduction of two lanes. The City of San Jose has confirmed that the reduction in peak hour volumes identified in Table 2.4 is due to anticipated diversion of traffic from the narrowed portion of Monterey Highway onto other roadways in the vicinity. Lane narrowing that reduces a roadway's capacity to handle a particular volume of traffic will result in drivers diverting to other streets (see email from City of San Jose Department of Transportation to Dave Mansen dated August 10, 2010 below).

From: Salvano, Ray [mailto:Ray.Salvano@sanjoseca.gov]
Sent: Tuesday, August 10, 2010 2:31 PM
To: Mansen, Dave
Cc: Ma, Paul; Pineda, Manuel; Tripousis, Ben
Subject: US 101

Mr. Mansen-

From the City's model, traffic demand in the roadway system is expected to change in response to the reduction from 6 to 4 travel lanes along Monterey Highway. The reduced capacity will increase congestion on Monterey Highway and encourage motorists to seek alternative paths for shorter travel times. As a result, the reduction of roadway capacity and increased levels of congestion will lead to decreased traffic volumes on Monterey Highway coupled with increased traffic volume diversions onto parallel roadways, such as US 101.

As we have discussed with the Authority, the City's traffic model does not take into account the mode shift to HST as identified in Table 3.1-2 of the Program EIR. Therefore, to enable the Authority to consider both the traffic diversion values from the City's model and the mode shift values identified by the Authority, we are supplying diversion volume information from Monterey Highway to the US 101 segment. This is the only segment where a direct comparison can be made between the City's traffic model and the mode shift (also referred to as "diversion" by the Authority) identified by HSR. Specifically, the lane reduction on Monterey Highway from 6 to 4 lanes will result in an increase of approximately 191 vehicles during the peak hour (combined northbound and southbound directions) on US 101 north of Tully Road, and an increase of approximately 12 vehicles during the peak hour (combined northbound and southbound directions) on US 101 just south of Blossom Hill Road.

Ray Salvano
Division Manager
City of San Jose
Dept of Transportation
200 East Santa Clara Street, Tower - 8th Floor
San Jose, CA 95113

The City of San Jose was consulted on this issue. The City has clarified that the data in Table 2.4, which they contributed for the Revised Draft Program EIR, considered peak hour volumes from the lane narrowing on Monterey Highway without regard to the anticipated mode shift from auto to High Speed Trains. This is the case because the City's traffic model does not currently have the capability of forecasting its local roadway network in 2035 in connection with the effects of the high-speed rail mode shift (see e-mail from the City of San Jose to Dave Mansen dated July 30, 2010 below).

From: Ma, Paul (Paul.Ma@sanjoseca.gov)
Sent: Friday, July 30, 2010 3:19 PM
To: Salvano, Ray; Mansen, Dave
Subject: Model Name and Mode Shift

Dave:

The official title of the model used for Monterey Highway analysis is "VTP2035 Travel Demand Forecasting Model" by Valley Transportation Authority. (VTP stands for Valley Transportation Plan for which the model is created)

The VTP2035 model is a traditional 4-step regional travel demand forecasting model. The four main modules for the 4-step forecasting procedure are trip generation, trip distribution, mode choice, and traffic assignment. The VTP2035 model has a robust mode choice module that is capable of forecasting trips in auto mode (drive alone, shared ride 2 passengers, and shared ride 3+ passengers), local bus and expressway bus service by transit operator, light-rail by transit operator, Caltrain, ACE, BART, Amtrak Capitol Corridor, and ferry service. The VTP 2035 model, like other regional or subregional models, is not capable of forecasting ridership of or mode shift from other modes to the high speed rail service. Because high speed rail or other mode is not included in the model calibration when the model was built.

In order to accomplish mode shift forecasting, the mode shift module of the 4-step model would need to be retrofit and recalibrated to include the high speed rail mode. The computerized network representation and socio-economic database coverage in the model would also need to be expanded for the high speed rail. The model recalibration and coverage expansion are time consuming and resource intensive tasks that are beyond the typical scope of roadway traffic analysis.

Accordingly, Table 2.4 depicts conditions on Monterey Highway conservatively. The program-level traffic analysis in section 3.1 of the 2008 Final Program EIR identified reductions in traffic volume on major highway links in the 2008 Final Program EIR Bay Area to Central Valley study area. However, the traffic model used in the 2008 Final Program EIR cannot reliably predict traffic diversion at the local street level.¹

The volume reduction on several northbound and southbound lanes of Monterey Highway, and the potential for traffic diversion onto other roadways, must be considered in light of the limitations of the currently available models. For illustrative purposes only, it is possible to compare the U.S. 101 segment given that this is the only highway segment for which traffic diversion calculations using the City of San Jose's forecasting model can be compared to the High-Speed Train mode shift identified in the 2008 Final Program EIR in Table 3.1-2. As stated in the August 10 e-mail from the City Department of Transportation (above), "the lane reduction on Monterey Highway from 6 to 4 lanes will result in an increase of

approximately 191 vehicles during the peak hour (combined northbound and southbound directions) on US 101 north of Tully Road, and an increase of approximately 12 vehicles during the peak hour (combined northbound and southbound directions) on US 101 just south of Blossom Hill Road." This yields a total of 203 vehicles, if the lane reduction is modeled without the mode shift from automobile to High-Speed Trains. This compares to the reduction of 4,948 trips on US 101 over a six hour peak period shown on Table 3.1-2, or an average of 824 trips per peak hour in both directions. The Authority understands that the mode shift over this six hour period will vary, but use of the average mode shift levels does enable a comparison at the program level of the mode shift levels to the traffic diversion calculation identified by the City of San Jose. The Authority notes that overall, the ridership forecasts prepared for the Program EIR/EIS project showed that about 6% of statewide intercity auto travel will be diverted to HST (Bay Area/California High-Speed Rail Ridership and Revenue Forecasting Study; Ridership and Revenue Forecasts, prepared for the Metropolitan Transportation Commission, prepared by Cambridge Systematics, August 2007, Table 2.2).

The information available suggests that the collective effect of the mode shift to HST combined with the narrowing of two lanes on Monterey Highway could affect the traffic congestion benefit of HST on the roadways/highways in the area. Based on the limitations of the current modeling tools, sufficient information, however, is not available at the program level to determine the level of adverse effects or benefits resulting from narrowing of Monterey Highway on local highways and streets. A more detailed traffic analysis would be necessary at the project level to more precisely identify the magnitude of changes and whether they represent a reduction in benefit or adverse effect, including consideration of the effectiveness of the mitigation strategies incorporated for the narrowing of Monterey Highway identified in this Revised Final Program EIR.

For purposes of the programmatic EIR analysis, the following additional discussion is added to section 2.3 of the Revised Final Program EIR to clarify the data in Table 2-4 and to address the issue of traffic diversion onto other major roadways:

¹ E-mail from Cambridge Systematics to Dave Mansen dated August 10, 2010

“With the reduction of lanes on a portion of Monterey Highway and with HST, traffic congestion is projected to increase slightly in both directions, as shown in Table 2-4. The preliminary information provided in this table is from the City of San Jose’s long-range planning process and represents preliminary evaluation of LOS in the Monterey Highway corridor using the City’s traffic model. The assumptions of this forecast consider a base scenario with Monterey Road being six lanes from Umbarger to south of Blossom Hill Road, and a project scenario with four lanes on Monterey Highway for this section. The forecast does not incorporate the mode shift to HST, and therefore represents a conservative scenario.

Please note that the actual narrowing from six to four lanes is assumed to begin closer to Southside Drive rather than Umbarger. The narrowing would only occur for those portions of Monterey Highway where the HST would be placed in the highway right-of-way, and the HST would enter Monterey Highway from the Caltrain Corridor somewhat south of Southside Drive rather than at Umbarger. Note that Southside Drive is approximately 0.7 miles south of Umbarger. The text in Section 2.3 of Chapter 2 of this Program EIR has been revised to include this clarification.

Table 2-4
Traffic Conditions on Monterey Highway With and Without the Project During Evening Peak Period (Year 2035)

		Northbound						Southbound					
MONTEREY HIGHWAY SEGMENT		6 LANES – BASE CASE			4 LANES – WITH HST PROJECT *			6 LANES – BASE CASE			4 LANES – WITH HST PROJECT *		
From	To	Peak Hr Vol	V/C	LOS	Peak Hr Vol	V/C	LOS	Peak Hr Vol	V/C	LOS	Peak Hr Vol	V/C	LOS
Southside	Capitol	1,791	0.629	B	1,490	0.784	C	2,753	0.966	E	1,880	0.989	E
Capitol	Senter	2,101	0.737	C	1,504	0.792	C	2,894	1.015	F	1,907	1.004	F
Senter	Branham	2,114	0.742	C	1,593	0.839	D	2,790	0.979	E	1,853	0.975	E
Branham	Chynoweth	2,330	0.818	D	1,746	0.919	E	2,727	0.957	E	1,835	0.966	E
Chynoweth	Blossom Hill	2,574	0.903	E	1,947	1.025	F	2,637	0.925	E	1,885	0.992	E
Blossom Hill	Bernal	1,807	0.623	B	2,004	0.691	B	3,252	1.121	F	3,019	1.041	F
Bernal	Metcalf	3,081	1.027	F	3,153	1.051	F	3,148	1.049	F	2,919	0.973	E
Metcalf	Bailey	2,800	0.933	E	2,869	0.956	E	3,071	1.024	F	2,846	0.949	E

Source: San Jose Department of Transportation 2010.

Peak Hr Vol = peak hour volume.

V/C = volume-to-capacity ratio.

*Does not account for trips that would be diverted from auto to high-speed rail

The information in Table 2-4 above indicates that the narrowing of lanes on Monterey Highway, when viewed in isolation, would result in a diversion of traffic onto other major and more local roadways in the vicinity. The potential for traffic diversion will be examined in detail in a project-level EIR if a network alternative that includes the Monterey Highway narrowing is selected. This examination will include consideration of mode shifts from auto trips to the High-Speed Train, which is discussed in section 3.1 of the 2008 Final Program EIR.

Under “Subsequent Analysis” the following additional information about project-level traffic evaluation is added:

A traffic impacts study will be conducted at the project-level, which will include a detailed evaluation of traffic, parking, pedestrian, bicycle, transit, construction and cumulative transportation impacts of the proposed HST project. This information will identify: (1) Changes in traffic volumes on regional roadways that result from HST construction and operations (2) Changes in traffic volumes on local streets that result from passengers accessing/leaving HST stations, from project construction, and from other HST related roadway changes, and the effect of these changed volumes on roadway operations and critical intersections. (3) The analysis of number of parking spaces required and the placement of the parking facilities will be evaluated. Potential parking impacts will be evaluated based on the existing and future parking supply and the projected parking demand. Parking demand will be based upon the patronage and mode of access forecasts at each proposed station, including parking and related circulation impacts for adjacent neighborhoods. (4) potential impacts to transit including potential for inadequate capacity of feeder bus service, potential for traffic congestion from project to disrupt or delay bus service that serve or run near stations or other transit operations. Potential impacts of project construction on transit service will also be evaluated in detail. (5) The project-level traffic impact analysis study will also evaluate the effect of the project and project construction on existing and planned pedestrian and bicycle facilities. Potential impacts on pedestrian and bicycle connections to and across HST facilities will be analyzed. Detailed information and analysis of

potential traffic impacts including impacts to pedestrian and bike facilities and feasible mitigation measures will be included in project-level EIR/EIS. (6) Cumulative potential traffic impacts due to the proposed project. Detailed information and analysis of impacts and feasible mitigation measures will be included in project-level EIS/EIR.

The City of San Jose notes that, as part of the San Jose General Plan Update "Envision 2040" and planned adoption of the program-level environmental document for the General Plan, the degradation LOS along these and other roadway segments is expected. The City's future goals are focused not on increasing or maintaining automobile capacity, but on VMT reductions and increasing bicycle, pedestrian, and transit mode shift. The City has developed draft General Plan goals and policies that reflect this decrease in available automobile capacity and support other modes of transportation. As highlighted in Exhibit B of the 2010 Revised Draft Program EIR, the City's Envision 2040 Task Force has approved lane reductions for a number of streets in San Jose, including Monterey Road.

L003-152

The Authority does not agree with the comment that Caltrain service reductions are likely if the HST project is implemented. If the Caltrain corridor is selected for further analysis, rather than compete with Caltrain, the HST system would complement the Caltrain service and provide important improvements to its infrastructure such as full grade separation, electrification and signaling.

Full grade separation would eliminate casual access to the railway tracks by allowing the railway right of way to be completely fenced off and secured. With grade crossings, there is an opening in the fence at each street which crosses the railway, even if the remainder of the right of way is fenced. With a completely secured right of way, the incidence of trespassing resulting in death, intentional or accidental, would decrease significantly. Accidents on the right of way currently can result in long delays in Caltrain service, frustrating riders.

Electrification of the Caltrain service in conjunction with the HST project would allow higher average speed for all Caltrain trains due to the higher acceleration of electric propulsion relative to diesel-hauled passenger trains. Local service to all stations would be more attractive due to the quicker trips provided by an electrified Caltrain. Quicker travel times would prove attractive to potential passengers, pointing to an increase in demand for Caltrain services. The PCJPB has stated that with an electrified system, their current financial crisis would be cut in half.

"Going forward the railroad must be electrified and modernized. The (Caltrain) financial crisis is big and if electrification happens it becomes half as big."

Electrification would decrease Caltrain's operating costs, allowing either maintenance of existing levels of service with reduced operating costs, or expansion of service without increased operation costs. Predicting demand for Caltrain service or financial situation is beyond the scope of the HST Program EIR.

A highly detailed discussion of the manner in which Caltrain and HST might operate the proposed shared track alternative is also beyond the scope of a program EIR, but would be part of project-level environmental review if the Authority selects a network alternative that includes the Caltrain Corridor.

Palo Alto, Mountain View and Redwood City are Caltrain's second, third and sixth (respectively) busiest stations in both 2009 and 2010, according to the Key Findings of the February 2010 Caltrain Annual Passenger Counts. There is the potential for one of these three stations to be a HST stop, if the Authority ultimately selects a network alternative for further study that includes the Caltrain corridor. These stations are served by all three of Caltrain's services, local, express and Baby Bullet, providing service to all stations on the Caltrain system. Caltrain will continue to generate large ridership from stations not planned to be HST stations due to the established patterns of home-work and other trips in the corridor. See Standard Response 10.

L003-153

It is unclear to which document the comment refers. The 2008 Final Program EIR and 2010 Revised Draft Program EIR do not describe the need to remove lanes on Alma in Palo Alto in either a drawing or text, as it was assumed that the HST would be accommodated largely within the existing Caltrain right-of-way. Any subsequent alignment alternative design options and details of their implementation and impacts would be addressed in the project level analysis.

L003-154

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Potential public utility impacts were not one of those topics. Potential impacts to public utilities were appropriately analyzed at a program level and documented in the Final Program EIR (see Section 3.10). See Standard Responses 1, 2, and 3 regarding the purpose and scope of the Revised Program Materials, the tiered planning process, and the level of detail of the program processes. Project's demand on regional energy supply, peak period electricity demand and transportation energy demand will be evaluated in the project-level EIR/EISs. In addition to the energy demand of the HST, the energy impact analysis will consider the energy impacts in terms of fuel usage resulting from other modes of transportation affected by the project such as automobiles, planes and trains. Design standards and information regarding energy supply and distribution for the HST system will also be available at the project EIR/EIS level.

L003-155

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Utilities was not one of those topics. Please see Section 3.10 of the May 2008 Final Program EIR. Types and routes of electrical transmission lines to the HST depend on detailed engineering to determine where the line would interface with the existing power grid and where the feeder lines will connect

to the railway. This and other utility needs will be addressed at the project level when sufficient design has been completed.

L003-156

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Public services and utilities was not one of those topics. Please see Section 3.10 of the May 2008 Final Program EIR. Project-level analysis would address all utilities and local issues once the network alternative alignment for the Bay Area to Central Valley corridor is selected. Project-level environmental documentation and subsequent planning documents will identify precise utility locations and will analyze in more detail conflicts between the HST system and utilities. All potential conflicts will be reviewed during the more detailed project-level environmental analysis and during final design. The Authority will consult with the various utility providers during the detailed project-level analysis to minimize potential conflicts including avoidance. If avoidance is not feasible and adjustment of alignments has not removed the potential conflict, relocation/reconstruction/restoration of the utility would be considered, in close consultation and coordination with the utility owner.

L003-157

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Cumulative impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.17, discusses cumulative impacts and mitigation strategies at the program level including the Caltrain, roadway, and development projects along the HST alternatives. More detailed analyses related to cumulative impacts will be performed during the project-level EIR/EIS analysis, when more detailed project information is available for the selected HST alignment. The cumulative project list will be updated as part of the project-level EIR/EIS.

L003-158

See Response to Comment L003-157.

L003-159

The comment is not correct. Chapter 7 of the Revised Draft Program EIR reiterates the conclusion from Chapter 8 of the May 2008 Final Program EIR, which identified the Pacheco Pass Network Alternative serving San Francisco via San Jose as the environmentally superior alternative. The basis for this conclusion is discussed in Chapter 7.

L003-160

The Authority does not understand or agree with the contention that the EIR/EIS fails to analyze all alternatives at an equal level of analysis. The areas that are purported to be unequal are not detailed in the comment. Common methodologies were used to evaluate all alignments, station location options, and network alternatives. The results of this evaluation are reported in full in the 2008 Final Program EIR.

L003-161

We disagree with the comment that the operational characteristics of the Altamont Pass alternatives are inaccurately portrayed in a way that underestimates the potential ridership of these alternatives or is biased.

L003-162

The issues associated with the reconstruction of the Dumbarton Rail Bridge for use by the HST system are described in detail in response O007-22 of the 2008 Final Program EIR and expanded on in Responses O012-11 and O012-12 of this document. The comment does not provide the basis for the contention that the 2008 Final Program EIR statements regarding the Dumbarton Bridge reconstruction are improper or inaccurate.

L003-163

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Biological resources was not one of those topics.

An unbiased discussion of the impacts to biological resources were included in Chapter 3.15 of the May 2008 Final Program EIR.

The HST alignments that cross the Bay along the Dumbarton corridor would have a significant impact on the bay and its aquatic resources, including wetlands and sensitive plant and wildlife species in addition to the Refuge. Much of the area surrounding the bay is already protected and there are challenges for developing substantial mitigation strategies. The recommended preferred Pacheco Pass network alternative identified by the Authority would not require a bay crossing, would not affect the Don Edwards San Francisco Bay National Wildlife Refuge, and would result in fewer impacts on wetlands and aquatic resources than the Altamont Pass network alternatives. The Pacheco Pass network alternative, although it would pass through the area identified as the Grasslands Ecological Area (GEA) would have less impact better opportunities for mitigation than would crossing the Bay and the Refuge. The magnitude of impacts on biological resources of the Bay crossing would be greater than the impacts along the Pacheco alignment. In the area along Henry Miller Road and through the Diablo Range, the Authority would work with stakeholders in developing mitigation that would benefit the GEA and surrounding area. In addition, engineering design refinements would be undertaken to avoid and/or minimize environmental impacts. This includes evaluating design alternatives to the north and south of the Henry Miller alignment (between the Central Valley and the Pacheco Pass) as part of the project-level EIR/EIS.

See also Response to Comment L003-162.

L003-164

See Response to Comment L003-163.

L003-165

Without knowing which specific environmental topics this comment refers to, it is difficult to comment on the "over emphasis" of particular impacts. The environmental methodologies used to assess the different network alternatives were applied consistently throughout the study area.

The 2008 Final Program examined a total of 21 network alternatives that fall into three groups for linking the Bay Area to the Central Valley: Altamont Pass (11 network alternatives); Pacheco Pass (6 network alternatives) and Pacheco Pass with Altamont Pass (local service) (4 network alternatives). It found that the Pacheco Pass alternative minimizes impacts on wetlands, waterbodies, and the environment and it best serves the connection between the Northern and Southern California. The Pacheco Pass enables San Francisco, SFO, and the San Francisco Peninsula to be directly served without a crossing of the San Francisco Bay. Altamont Pass alternatives requiring a San Francisco Bay crossing would have the greatest potential impacts on the San Francisco Bay and have high capital costs and constructability issues. The Dumbarton Crossing would also have the greatest potential impacts on wetlands and the Don Edwards San Francisco Bay National Wildlife Refuge.

L003-166

It is not clear if this comment is referring to the Peninsula Corridor from San Jose station to Lick or the UPRR right-of-way from Lick to Gilroy. The 2008 Final Program EIR based its evaluation of the each environmental subject areas on existing land uses adjoining both of these corridors. Uniform methodologies were used to evaluate each of the alignments, station location options, and network alternatives in the Program EIR, so the Authority disagrees with the contention that information was not disclosed for this alignment or, for that matter, other alignments.

L003-167

See response to comment L003-25. A reference to express trip times means no need to change trains between the cities noted. See discussion in Chapter 2 of the 2008 Final Program EIR of a route from San Jose to Oakland via Altamont alternatives. More detailed budget costs for Altamont alternatives are beyond the scope of this program EIR and more detailed station designs for San Jose will properly be considered in future project EIR/EIS analyses.

L003-168


Appendix B of the April 2010 Materials contains a letter from the City of San Jose to the Authority stating its intent to pursue relinquishment to the City of portions of State Highway 82 currently under the jurisdiction of Caltrans, including that portion of Monterey Highway proposed for the HST alignment. Attached to that City letter is a letter date June 17, 2009 from the City to Caltrans pursuing relinquishment. Caltrans forwarded a letter to the City of San Jose on October 26, 2009 stating:

"The Department is interested in relinquishing the above referenced segments of State routes which serve local travel demand. Furthermore, the Department will support the City request for relinquishment from the California Transportation Commission (CTC) as being in the best interest of the public, provided that there is signed legislation that grants the department the authority to relinquish the above referenced segments of the State Routes."

A copy of this letter is shown below.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY
 ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
 111 GRAND AVENUE
 P. O. BOX 23360
 OAKLAND, CA 94612
 PHONE (510) 286-5900
 FAX (510) 286-5903
 TTY (800) 735-2929


*Flex your power!
 Be energy efficient!*

October 26, 2009

Mr. Hans Larsen
 Acting Director of Transportation
 City of San Jose
 200 East Santa Clara Street
 San Jose, CA 95113

Dear Mr. Helmer:

Thank you for your recent letter and for the subsequent meeting between the City of San Jose (City) and California Department of Transportation (Department) on September 29, 2009, regarding the relinquishment of the following segments of State routes within the City of San Jose:

- State Route 82 from I-880 to I-280 (3 miles)
- State Route 82 from I-280 to US 101 (7 miles)
- State Route 130 from US101 to I-680 or City Limit (1.5 miles)

The Department is interested in relinquishing the above referenced segments of State routes which serve local travel demand. Furthermore, the Department will support the City request for relinquishment from the California Transportation Commission (CTC) as being in the best interest of the public, provided that there is signed legislation that grants the Department the authority to relinquish the above referenced segments of the State Routes.

The suggestion that the Department commit to relinquishment in the near term with funding for improvements in the future is against the Department policy as the Department cannot commit dollars that are not programmed in the State Highway Operations Protections Program (SHOPP). In addition, the request that "design authority" be given to the City to facilitate planned projects along these route segments prior to the completion of the relinquishment is against the Department policy.

As discussed and agreed to at the September 29 meeting, any Department actions related to the City's requests for the Department's financial participation for the "cost to relinquish" if any and to the delegated "design authority" will be deferred until final decisions are made regarding the following items:

- 1- The Department to perform transportation system analysis and provide the City with the determination on the proposed relinquishment.
- 2- City of San Jose to provide scope and schedule of the proposed improvements within the limits of the three proposed route segments proposed for relinquishment.
- 3- In light of the State shortfall in the resource for Project Initiation Documents (PID), the City, in coordination with Santa Clara Valley Transportation Authority (VTA) and the

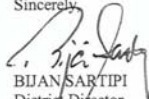
"Caltrans improves mobility across California"

Mr. James Helmer
 October 14, 2009
 Page 2

Department, will set a regional priority list of PID projects.

- 4- City to seek legislator to sponsor relinquishment legislation.
- 5- Based on the outcome of the above referenced items, a Project Scope Summary Report (PSSR) will be prepared by the Department. The preparation of the PSSR will be based on the VTA's approved PID priority list as a scoping document to determine terms and conditions of the relinquishment.
- 6- Funding for the terms and conditions of the relinquishment is subject to resources available to the Department.
- 7- CTC approval is acquired.

If you would like to discuss this further, please contact me or Nick Saleh, Regional Project Manager at (510) 286-6355, or Lee Taubeneck, Deputy Director for Planning, at (510) 286-5908.

Sincerely,

 BUAN SARTI
 District Director

c: John Ristow, VTA
 Bill Ekern, City of San Jose
 Ray Salvano, City of San Jose

"Caltrans improves mobility across California"

L003-169

Comment acknowledged. See Response to UPRR Comment letter O002.

L003-170

See Response to Comment L003-7.

L003-171

See Standard Response 10.

L003-172

This is not a topic area identified by the Superior Court for additional work under CEQA in the Town of Atherton case. The judgment in the Town of Atherton case did not find fault with the ridership forecasts or the project definition between San Francisco and San Jose. See Standard Response 4. The Final Program EIR includes both Pacheco Pass and Altamont Pass HST Alternatives that include direct HST service to both the East Bay and Peninsula.

L003-173

Comment acknowledged. We note that the 2010 Revised Draft Program EIR Material identified that land use impacts of the HST alignments were considered significant under CEQA, including for the San Francisco to San Jose Corridor. This conclusion remains consistent in the 2010 Revised Final Program EIR Material.

Comment Letter L004 (Kevin Selly, Palo Alto Unified School District, April 26, 2010)

04/26/2010 17:25 6503273588

PAUSD FACILITIES

PAGE 01/08

04/26/2010 17:25 6503273588

PAUSD FACILITIES

PAGE 02/08

L004

LETTER OF TRANSMITTAL

Palo Alto
Unified School District

To:	Robert Doty
Company:	California High-Speed Rail Authority
Fax:	(916) 322-0827.
From:	Kevin Skelly, Ph. D
Date:	4/26/10
Regarding:	San Francisco to San Jose Section Preliminary Alternatives Analysis Report Comments
CC:	

ITEM:

<input checked="" type="checkbox"/> Attached		<input type="checkbox"/> Under Separate Cover via _____
Copies:	Date:	Description:
1	4/23/10	Comment Letter from PAUSD

TRANSMITTED:

<input type="checkbox"/> For your info	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> For your use	<input type="checkbox"/> Revise and Resubmit
<input checked="" type="checkbox"/> As requested	<input type="checkbox"/> Other _____

REMARKS:

8 pages total

25 Churchill Avenue, Building 'D' • Palo Alto, CA 94306 • Phone 650.329.3935 • Fax 650.327.3588 • www.pausd.org

MEASURE A – STRONG SCHOOLS BOND

Palo Alto
Unified School District

April 23, 2010

Dan Leavitt, Deputy Director
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

RE: Palo Alto Unified School District Comments for the California High Speed Rail Authority's Bay to Central Valley High Speed Train Revised Draft Program Environmental Impact Report Materials

Dear Mr. Leavitt,

Thank you for the opportunity to comment on the California High Speed Rail Authority's (Authority) March 2010 *Bay Area to Central Valley High-Speed Train Revised Draft Program EIR Materials*. The California HST would be located along 3.8 miles of the Caltrain right-of-way through Palo Alto along the Caltrain tracks, adjacent to the Palo Alto High School campus, and would have a long-lasting and far-reaching impact on campus.

Palo Alto High School

Palo Alto High School is located at 50 Embarcadero Road at El Camino Real. The school site is bounded by El Camino Real on the west, Embarcadero Road on the north, Churchill Avenue on the south, and Caltrain tracks and right-of-way on the east. Total 2008-09 school year enrollment is 1,755 students. Student enrollment on the campus is projected to increase to approximately 2,300 students by the year 2017. Approximately 180 full-time staff and employees occupy the campus.

Two classroom buildings (Social Studies and World Languages) and a series of portable classrooms are located between 60 and 150 feet from the Caltrain right-of-way at the northeastern end of the campus. These buildings are buffered by paved areas used for vehicle parking, landscaping, and the paved bike path. The school district maintenance buildings and the high school football field are directly adjacent to the paved bike path in the southeastern portion of the site. A fence separates the school property from the bike path, and another fence separates the bike path from the Caltrain tracks. The right-of-way required for the HST alignment would require approximately three quarters of the campus to be affected. This would include all entrances and exits of the campus by automobile, pedestrian, and bicycle travel. A maintenance building will be directly affected and may require relocation. In addition, the visitors' bleachers, subsequently the stadium field, may require relocation. The Palo Alto High School Master Plan locates a new permanent two-story general classroom building on the northeast end of campus approximately 100 feet from the Caltrain right-of-way. Also included in the Master Plan is a new Media Arts complex, Career Tech Center, and 600-seat Theater all within a few hundred feet of the Caltrain right-of-way.

The Palo Alto Unified School District (PAUSD) has thoroughly reviewed the Revised Draft Program EIR and has the following comments:

25 Churchill Avenue, Building 'D' • Palo Alto, CA 94306 • Phone 650.329.3935 • Fax 650.327.3588 • www.pausd.org

STRONG SCHOOLS BOND



Comment Letter L004 - Continued

04/26/2010 17:25 6503273588

PAUSD FACILITIES

PAGE 03/08

04/26/2010 17:25 6503273588

PAUSD FACILITIES

PAGE 04/08



A. GENERAL COMMENTS AND PROCESS

A.2 SIGNIFICANT NEW INFORMATION

Comment A.2-1: Significant new information exists, under many environmental parameters that makes the earlier Program EIR/EIS invalid and requires a recirculation of the Program EIR/EIS, as well as recirculation of the Revised Program EIR.

Comment A.2-3: New information on project impacts and alternatives is being discovered during the project-level environmental review for the San Francisco to San Jose segment. This new information may indicate new or increased impacts, and new feasible alternatives or mitigation measures. The new information needs to be presented and analyzed in a revised and recirculated environmental document.

Comment A.2-6: The need to evaluate impacts from Union Pacific Railroad's (UPRR) recent refusal to share its ROW opens up the possibility of considering new alternative alignments for not only the Pacheco Pass alignments but also the Altamont Pass alignments. This could affect other school properties depending on any new alignments selected.

A.3 LIMITING SCOPE OF COMMENTS TO THE REVISED DRAFT PROGRAM EIR INAPPROPRIATELY LIMITS THE ANALYSIS

Comment A.3-1: Limiting the scope of comments to the Revised Materials is inappropriate if the original analysis was flawed. Therefore, we feel it is imperative that the Authority consider comments on not only the Revised Materials but also on the Final EIR/EIS.

B. INADEQUATE PROJECT DESCRIPTION AND BUSINESS PLAN

B.1 PROJECT DESCRIPTION

Comment B. 1-1: The project description is essentially limited to the alignment of the track corridors and possible stations, but does not mention the additional support facilities, other than the maintenance facility, that would be needed. These additional support facilities would include layover facilities, turnouts, bridges and tunnels, advanced signaling and communication systems, electrification facilities, station automobile parking structures, and the public open spaces needed to support the pedestrian traffic generated by the hub stations. In addition, construction staging areas are not clearly specified. The Revised Program EIR is inadequate because they are not identified or analyzed in the document. If the potential environmental impacts of these supporting facilities are not going to be addressed in the Program EIR, they should be identified, the typical effects explained, and should be addressed in detail in the forthcoming project-level engineering and environmental reviews.

Comment B.1-2: Grade separations are not identified in the document. The document should indicate which crossings are expected to be separated, and define whether each intersection is to be separated by underpasses or overpasses (presumably the vehicular and pedestrian traffic and not the HST). Grade separations cause substantially more construction, surface disturbance, noise, air quality, aesthetics, and

L004-2
cont.

L004-3

L004-4

L004-5

L004-6

L004-7

2

04/26/2010



transportation conflicts. An elevated railway would be a significant change from the existing landscape, and could have significant impacts on neighboring communities. Project construction could have significant impacts, such as disruption of existing rail service and disruption of local schools operations; these issues are not addressed in the EIR. These impacts must be analyzed for the CEQA document to be adequate.

Comment B.1-3: The document fails to adequately describe the location of the project, including the proposed right-of-way, station locations, and other infrastructure locations, in relation to Palo Alto High School and other PAUSD properties. The corresponding impacts are not analyzed and no mitigation is proposed.

Comment B.1-4: The document fails to adequately indicate the extent to which the project would require acquisition of school district properties through eminent domain. This issue applies to both use of existing corridors where such corridors need to be widened, and the possible requirement for identifying a new corridor should UPRR block the shared use of its ROW. The document also does not identify whether eminent domain would include the taking of all or only a portion of any of the properties along the alignment.

Comment B.1-5: The document fails to address the maintenance of the HST line, and does not answer the questions of how often and when maintenance activities would occur, and what additional infrastructure, and where, would need to be constructed (rail spurs, repair shelters) to allow the maintenance activities.

Comment B.1-8: The document does not address how the land beneath an aerial viaduct would be used and maintained. What would be the use of the land beneath the viaduct parking, landscaping? Would the area be open or fenced off? Who would be responsible for maintaining this area to remove weeds, clean up trash, remove graffiti, etc.? Who would pay for this maintenance?

C. ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

C.1 GENERAL COMMENTS

Comment C.1-1: The Revised Program EIR identifies a Peninsula alignment and station locations, but fails to fully identify, analyze, and mitigate all Peninsula-related environmental impacts from that specific alignment and those specific station locations. A Program-level EIR that identifies specific project elements or project locations is required to provide a full analysis of the impacts associated with these elements and locations.

Comment C.1-2: The document fails to disclose or adequately analyze the project's potential land use and transportation impacts associated with the use of the shared Caltrain/UPRR ROW between San Francisco and San Jose. Perhaps more importantly, the document fails to discuss the potential necessity of locating the project alignment away from either segment of this ROW. The potential need for a new project alignment in these areas necessitates a revised analysis of project impacts.

Comment C.1-3: The impact discussion focuses on a corridor 50 feet to either side of the existing corridor or 50 feet to either side of the centerline of the new HST alignments. The analysis should focus on a wider corridor for impacts. Some impacts, such as noise, can have a significant effect several hundred or even several thousand feet away from the project corridor. The impact discussion should be revised to use

L004-7
cont.

L004-8

L004-9

L004-10

L004-11

L004-12

L004-13

L004-14

3

04/26/2010

Comment Letter L004 - Continued

04/26/2010 17:25 6503273588

PAUSD FACILITIES

PAGE 05/08

04/26/2010 17:25 6503273588

PAUSD FACILITIES

PAGE 06/08

Palo Alto

Unified School District

appropriately sized impact corridors as appropriate for each specific impact, with no corridor narrower than 500 feet to either side of the proposed HST corridor.

L004-14
cont.

Comment C.1-4. The impact analysis fails to address and incorporate the significance criteria established by each local jurisdiction or special district (i.e., school districts) affected by the project, and uses flawed assumptions in determining impact significance.

L004-15

Comment C.1-5. The analysis in the Revised Draft EIR glosses over local impacts and does not provide the detailed analysis required by CEQA.

L004-16

C.2 AESTHETICS AND VISUAL IMPACTS

Comment C.2-1. The document fails to address how the absence or removal of screening trees along the east side of Palo Alto High School would affect the impact significance of elevated structures, sound walls, substations, and new utility poles and wires.

L004-17

C.3 AIR QUALITY AND GREENHOUSE GASES

Comment C.3-1. The document fails to fully disclose or adequately analyze the project's potential air quality impacts, including the impacts to sensitive receptors such as schools, the production of greenhouse gases (GHG) and contribution to global climate change.

L004-18

Comment C.3-2. The analysis focuses on emissions associated with operations. It does not consider construction impacts and their contribution to GHG emissions, or those impacts on the adjacent school site.

L004-19

Comment C.3-3. Construction activities will cause major traffic disruptions, resulting in indirect air quality and GHG emissions from idling vehicles. These potential emissions and their affect on nearby schools were not analyzed in the document.

L004-20

C.4 BIOLOGICAL RESOURCES

Comment C.4-1. The document fails to address impacts to trimming or removal of mature or heritage trees along project alignment, including effects to the trees along the east side of the high school. These include oak, redwood, and pine. Mitigation should include compliance with the City's tree protection ordinance (City of Palo Alto Tree Technical Manual, Tree Value Replacement Standard).

L004-21

C.5 GEOLOGY AND SEISMICITY

Comment C.5-1. The EIR/EIS does not explain how drainage will be affected if structural beams are constructed and/or extended along alignments located adjacent to Palo Alto High School. Erosion onto school property is a critical issue.

L004-22

C.6 HAZARDS AND HAZARDOUS MATERIALS

Comment C.6-1. The document fails to address the public health and safety impacts due to possible derailments on the Union Pacific, Caltrain, or HST lines and subsequent collisions with high speed trains.

L004-23

4

04/26/2010

Palo Alto

Unified School District

The potential injuries or harm to students and school personnel or damage to properties adjacent to rail lines resulting from train derailments is not addressed. The document does not consider establishing hazard buffer zones to address derailment impacts

L004-23
cont.

Comment C.6-2. The document fails to discuss the potential for pedestrians to cross into the rail right-of-way, and measures (fencing, other barriers) that would eliminate potential conflicts.

L004-24

Comment C.6-3. The document fails to address hazards from construction, including from equipment and machinery, traffic to and from the site, and construction vibrations. Impacts should be assessed on the adjacent high school, as well as potential damage to surrounding streets.

L004-25

C.7 HYDROLOGY AND WATER QUALITY

Comment C.7-1. As stated in Comment C.6-1, above, the EIR/EIS does not explain how drainage will be affected if structural berms are constructed and/or extended along alignments located adjacent to Palo Alto High School. Erosion and runoff onto school property is a critical issue that needs to be addressed.

L004-26

C.8 LAND USE AND PLANNING

Comment C.8-1. The Revised Program EIR fails to address the displacement existing uses adjacent to the existing ROW, such as buildings at the PAUSD's corporation yard.

L004-27

Comment C.8-2. The EIR/EIS does not clearly identify the area of influence along the HST corridor. This is more than merely the project footprint, as it could affect future development on areas near the corridor, including development and improvements to Palo Alto High School, in accordance with its Master Plan.

L004-28

Comment C.8-3. The document fails to adequately address land use impacts resulting from the division of existing communities, either through the expansion and potential widening of the existing Caltrain/UPRR ROW and the elevation of structures within this ROW, or through the relocation of the proposed HST corridor away from the Caltrain/ UPRR ROW. Either of these two scenarios could result in the division of an existing community.

L004-29

Comment C.8-4. The environmental document fails to address project impacts due to potential incompatibility with local land use plans and policies, including existing or planned uses, zoning and general plan designations and regulations, and existing or proposed development plans. Local plans and policies need to be taken into consideration in the land use impact analysis, and in determining the thresholds of significance for all environmental impact criteria.

L004-30

Comment C.8-5. The Final Program EIR states on page 2-3 that the HST has a "high" compatibility with high schools and a "medium" compatibility with elementary schools. The document fails to justify why high schools are more compatible with a HST system than elementary schools.

L004-31

C.9 NOISE AND VIBRATION

Comment C.9-1. The document fails to adequately address the impact significance of noise and vibration during both construction and operation, and fails to adequately mitigate these impacts.

L004-32

5

04/26/2010

Comment Letter L004 - Continued

04/26/2010 17:25 6503273588

PAUSD FACILITIES

PAGE 07/08

04/26/2010 17:25 6503273588

PAUSD FACILITIES

PAGE 08/08



Comment C.9-2. The document states that noise impacts along San Francisco to San Jose corridor are rated low for those alignment alternatives that are either in a tunnel or passing through sparsely populated areas. The remaining alignment alternatives are rated medium because of the higher population density in proximity to the alignment and the existing parkland and two schools. Vibration impacts along alignment alternatives have the potential for medium to high vibration impacts because of the proximity of residential and institutional structures to the alignment. However, although the EIR/EIS explains that HST typically generates lower noise and vibration levels than do conventional train traffic, the EIR/EIS does not fully address the effect of noise and vibration on the school and what the mitigation would be such as restrictions on use of horns in specific areas.

L004-33

Comment C.9-3. The proposed HST right of way would be within 50 feet of the District's corporation yard buildings, and within 60 to 100 feet of several school buildings at the high school. The EIR/EIS needs to be more specific in the evaluation of the impacts to these uses from train noise, vibration, and wind.

L004-34

Comment C.9-4. Available research shows that noise distraction when learning or concentrating occurs at 40 dBA. This is a critical issue for schools located along the rail corridor. The EIR/EIS did not evaluate this.

L004-35

Comment C.9-5. Grade separation would introduce inclines. The document does not address how such inclines would affect noise and vibration impacts of HST, Caltrain, and freight train operations, particularly when climbing up an incline.

L004-36

Comment C.9-6. The document fails to address how wind and weather patterns would affect noise impacts.

L004-37

Comment C.9-7. The document fails to quantify the potential noise reduction provided by sound walls, particularly given the presence of school facilities and the possibility of an elevated railway. Without an idea of how much sound attenuation and reduction can be achieved through the use of sound walls along an elevated railway, there is no way to conclude that such walls have the potential to reduce noise impacts to a less than significant level.

L004-38

Comment C.9-8. The document does not address the combined noise and vibration impacts of two or more trains passing by a location at the same time. Identify the noise and vibration impacts of multiple, simultaneous trains that could occur more than once a day and adjacent to a school facility (i.e., sensitive receptor).

L004-39

C.10 TRAFFIC AND CIRCULATION

Comment C.10-1. The document does not identify impacts to streets during construction, including identification of detours and road closures. These construction impacts could significantly affect traffic patterns and traffic flow around Palo Alto High School for extended periods of time.

L004-40

Comment C.10-2. The document does not address increased traffic and parking impacts in the vicinity of proposed stations.

L004-41



Comment C.10-3. The document does not address impacts to pedestrian and bicycle paths that parallel and/or intersect the proposed alignment.

L004-42

Comment C.10-4. In the routes to school section of the EIR/EIS, the bicycle counts do not seem accurate. Please explain how the counts were determined.

L004-43

Comment C.10-5. In the event there are at-grade crossings for any of the transit modes (auto, bicycle and pedestrian), the EIR/EIS should address traffic impacts from trains during peak vehicle usage (i.e., during morning school arrivals and afternoon departures). The impacts at these at-grade crossings should be carefully studied, giving particular attention to the effects such traffic diversion might have on the safety, convenience, and comfort of designated school commute routes for PAUSD students.

L004-44

Comment C.10-6. If a Palo Alto station stop is selected, the document needs to analyze what routes passengers will take to reach the station and what affect these routes will have on the local traffic patterns and parking.

L004-45

C.11 CONSTRUCTION METHODS AND IMPACTS

Comment C.11-1. The EIR/EIS does not specify where construction staging areas will occur, let alone evaluate any impacts associated with them. The document needs to show where these areas will be and if construction fencing and effects will be located near Palo Alto High School.

L004-46

The PAUSD appreciates the opportunity to provide these comments for the Revised Draft Program EIR Materials for the CAHSRA Bay Area to Central Valley HST. The District looks forward to working with Authority staff on an ongoing basis to review alternatives, impacts and mitigation measures for this important project. For more information on the above, please contact Robert Gollon at (650) 329-3801.

L004-47

Sincerely,

Kevin Skelly, Ph.D.
Superintendent

Response to Letter L004 (Kevin Skelly, Palo Alto Unified School District, April 26, 2010)

L004-1

See Standard Response 7.

L004-2

We disagree that recirculation of the entire prior Program EIR/EIS is required based on this general comment that significant new information exists "under many environmental parameters" that makes the earlier Program EIR invalid and requires recirculation of that document. More detailed responses will be provided where the commenter offers a more detailed rationale for why it contends further recirculation is necessary.

L004-3

See Response to Comment L003-5. See also Standard Response 1.

L004-4

See Response to Comment L003-41, responses to letter O002 received from the UPRR, and Standard Response 9.

L004-5

The Authority disagrees that limiting the scope of comments to the Revised Draft Program EIR Material is inappropriate. The Authority requested that members of the public focus their comments on the new information and analysis contained in the Revised Draft EIR Material and stated that the Authority's legal obligation extended to responding only to those comments related to the new materials. The Authority's request is based on CEQA Guidelines section 15088.5, applicable to situations like the current one where a lead agency must revise and recirculate only a portion of a prior Final EIR. The current EIR process is specifically intended to comply with the judgment from the Town of Atherton litigation and that judgment found that only those issues in the revised materials required further CEQA compliance.

L004-6

The plan profiles and cross sections in appendices 2-D and 2-E of the 2008 Final Program EIR show the where the conceptual alignments were proposed to be at grade, elevated, or in tunnel. Proposed parking structure locations are identified in Appendix 2-F. The other support facilities (including layover facilities, turnouts, signaling, and communication systems along with construction staging areas and plans will be identified and evaluated as part of the project-level work. Overall, these topics were not deemed critical to the decision at hand regarding the selection of a preferred alternative.

L004-7

See response to comment L003-108. The HST plan and profile adjacent to Palo Alto High School, shown on Page 2-E-3 of the 2008 Program EIR, identifies a vertical alignment on a retained fill of approximately 15 feet. This would allow the train to pass over Churchill Avenue so that access from adjacent streets and property would not be affected by a large change in the street's existing grade. Different vertical alignments and configurations can be analyzed at the Project level which could result in a different configuration for the grade crossings. Impacts and mitigations for proposed alignments would be addressed in Project-level EIR/EIS studies.

L004-8

The Authority disagrees. Please see response to comment L004-1. Project level design could result in different configurations for the HST. Impacts and mitigations for alternative alignments being considered will be addressed in the Project-level EIR/EIS studies.

L004-9

See Standard Response 7.

L004-10

See Response to Comment L003-20.

L004-11

See Response to Comment L003-23.

L004-12

The 2008 Final Program EIR adequately analyzed the impacts of alignment and station location alternatives along the Peninsula at a program level. More detailed analyses will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. See Standard Response 2 regarding the tiered planning and environmental process and Standard Response 3 regarding the level of detail for impact analysis and mitigation in the program environmental document.

L004-13

See Responses to Comments L003-105 and L003-107.

L004-14

Section 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the Revised Draft Program EIR Material and Section 3.7 of the May 2008 Final Program EIR discussed the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts analysis, the study area is narrower as noted above to better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3

of the May 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation.

L004-15

The 2010 Revised Final Program EIR Material does not incorporate significance criteria of each local jurisdiction affected by the network alternatives. The EIR includes significance criteria that the Authority staff have determined to be appropriate for this project and this program EIR.

L004-16

See Response to Comment L0003-45.

L004-17

The program-level study indicates that trees screening the Caltrain right-of-way from Palo Alto High School would remain largely intact. The trees adjacent to the classroom buildings and track are assumed to be on high school property. There appear to be some trees east of the bike path that may be on Caltrain right-of-way and could be removed if necessary based on future project-level environmental studies and refined project-level HST design and engineering. Most of these trees screen the high school's maintenance facilities from the railway, so their removal would have little impact on the portion of the campus occupied by the students. Additional analysis at the project level will be conducted concerning such impacts when more detailed HST design and engineering information is available.

L004-18

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Air quality and global climate change was not one of those topics. Refer to Chapter 3.3 of the 2008 Final Program EIR where air quality and global climate change impacts are discussed. More detailed analysis of potential operational, maintenance, and construction air quality impacts on sensitive receptors will be provided during project-level

environmental review, when more detailed information will be available concerning system design and placement, including at-grade, trench, tunnel, and elevated tracks.

L004-19

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Air quality and global climate change was not one of those topics. Refer to Chapter 3.3.6 of the 2008 Final Program EIR. It is noted that construction impacts and potential mitigation measures would be addressed in subsequent project-level EIR/EIS analyses. More detailed analysis of potential operational and construction air quality impacts on sensitive receptors, including schools, will be provided during project-level environmental review, when more detailed information will be available concerning system design and placement as well as construction. Once alignments are established, a full construction analysis would be conducted. This analysis will quantify emissions from construction vehicles, excavation, worker trips, and other related construction activities of constructing the HST system (rail, station, maintenance facilities, substations, transmission lines, etc.), including traffic detours. Specific mitigation measures, if required, would be identified and a construction monitoring program, if required, would be established.

L004-20

See Response to Comment L004-19 regarding air quality impact associated with construction.

L004-21

A more detailed review of the impacts on local vegetation, including loss of mature and heritage trees and associated effects will be performed during the preliminary engineering and project-level environmental review. Possible avoidance or minimization of impacts on the mature and heritage trees will be reviewed in detail, and mitigation for the loss of trees will be developed.

L004-22

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hydrology and water resources was not one of those topics. Please see Chapter 3.14 of the 2008 Final Program EIR. Potential drainage and erosion impacts and mitigation strategies were discussed in this chapter. More detailed analyses related to the potential for run-off and erosion to occur will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. See Standard Response 3.

L004-23

The HST would be designed to have fully grade-separated tracks with state-of-the-art safety, signaling, and automated train control systems to minimize the potential for derailment. The Authority would build upon the extensive experience of HST operations in other countries. Future HST Operations Plans will include emergency response measures. FRA regulations also address safety concerns, and this system would comply with those regulations.

L004-24

The HST project under consideration in this Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring.

L004-25

An HST system Safety and Security Program Plan (SSPP) will be prepared at the project level to define safety and security goals and objectives. The SSPP will include a Construction Safety and Health Plan to establish the minimum safety and health guidelines for contractors of and visitors to HST construction projects.

L004-26

See Response to Comment L004-22.

L004-27

See Standard Response 7.

L004-28

See Standard Response 3. Because this is a program-level document, the analysis considered the potential for land use and planning impacts on a broad scale. Potential project-level impacts on land use, planning and development will be addressed in the project-level EIR/EIS.

L004-29

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none previously existing would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening.

L004-30

Both the 2008 Final Program EIR/EIS and the Revised Draft Program EIR address future land use compatibility based on information from general plans and other regional and local transportation planning documents. These documents were examined to assess an alignment alternative's and station location option's potential consistency with the goals and objectives defined therein. Because

this is a program-level document, the analysis evaluated land use compatibility on a broad scale. Project-specific effects on land use, planning and development will be evaluated at the project-level.

L004-31

See Response to Comment L003-112.

L004-32

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. The noise analysis in the 2008 Final Program EIR was not one of those topics. Please see Chapter 3.4 of the 2008 Final Program EIR. More detailed information and analysis of noise and vibration impacts and mitigation will be included in project-level EIR/EISs. This analysis will include the significance of both construction and operation noise and vibration impacts and mitigation of these impacts. See Standard Response 3.

L004-33

See the response to Comment L004-32.

L004-34

See the response to Comment L004-32.

L004-35

See the response to Comment L004-32.

L004-36

See the response to Comment L003-116. The project-level noise and vibration analyses will address all aspects of the project, including proposed grade separations and noise and vibration from the grade-separated roadways.

L004-37

See the response to Comment L003-116. The project-level noise and vibration analyses will address the influence of climatic conditions.

L004-38

See the response to Comment L004-32.

L004-39

See the response to Comment L003-116. The project-level noise analysis will address the impacts of multiple trains in one location.

L004-40

Detailed parking, pedestrian, bicycle, transit, construction and cumulative transportation impacts of the HST Project will be fully analyzed in the project-level EIR/EIS. This information will be documented in a Traffic, Transit, Circulation and Parking Report including (1) Changes in traffic volumes on local streets that result from project and from project construction and the effect of these changed volumes on roadway operations and critical intersections. (2) The analysis of number of parking spaces required and the placement of the parking facilities will be evaluated. Potential parking impacts will be evaluated based on the existing and future parking supply and the projected parking demand. Parking demand will be based upon the patronage and mode of access forecasts at each proposed station, including parking and related circulation impacts for adjacent neighborhoods. (3) Potential impacts to transit including potential for inadequate capacity of feeder bus service, potential for traffic congestion from project to disrupt or delay bus service that serve or run near stations or other transit operations. Potential impacts of project construction on transit service will also be evaluated in detail. (4) The project-level traffic impact analysis study will also evaluate the effect of the project and project construction on existing and planned pedestrian and bicycle facilities. Potential impacts on pedestrian and bicycle connections to and across HST facilities will be analyzed. Detailed information and analysis of potential traffic impacts including impacts to pedestrian

and bike facilities and feasible mitigation measures will be included in project-level EIR/EISs and documented in a Traffic, Transit, Circulation and Parking Report. (5) Cumulative potential traffic impacts due to the proposed project.

L004-41

See Response to Comment L004-40.

L004-42

See Response to Comment L004-40.

L004-43

See Standard Response 3. Because this is a program-level document, the analysis evaluated impacts to educational and other community facilities on a broad-scale. This is also true for the evaluation of impacts on bicycle facilities. Potential project-specific effects on all schools in the study area will be evaluated at the project-level. The Authority will consider the comment as part of the project-level EIR/EIS process.

L004-44

The HST system will be designed to have fully grade-separated tracks with state-of-the-art safety, signaling, and automated train control systems. Therefore, the students will never have to 'cross' the HST alignment at-grade. Project-specific analyses of circulation, traffic, and parking will be conducted in the project-level EIR/EIS for the station areas, access roads, and other facilities that might be affected by the proposed HST station. This will be documented in a Traffic, Transit, Circulation and Parking Report.

L004-45

Passenger routes to all potential stations will be evaluated at the project-level traffic impact analysis study. Potential changes in traffic volumes on local streets that result from passengers accessing the HST station and the effect of these changed volumes on roadway operations and critical intersections will be evaluated. Project-specific analyses of circulation, traffic, and pedestrian/bicycle access will be

conducted in the project-level EIR/EIS for the station areas, access roads, and other facilities that might be affected by the proposed HST station. This will be documented in a Traffic, Transit, Circulation and Parking Report. The analysis of number of parking spaces required and the placement of the parking facilities will also be conducted in the project-level EIR/EIS. This information will be documented in a Traffic, Transit, Circulation and Parking Report. Potential parking impacts will be evaluated based on the existing and future parking supply and the projected parking demand. Parking demand will be based upon the patronage and mode of access forecasts at each proposed station, including parking and related circulation impacts for adjacent neighborhoods.

L004-46

More detailed information and analysis of construction impacts and mitigation will be included in project-level EIR/EISs, including impacts related to construction staging areas, detours, and other construction-related requirements. See Standard Response 3.

L004-47

Comment acknowledged.

Comment Letter L005 (Christina Watson, Transportation Agency for Monterey County, March 30, 2010)

L005

Kris Livingston

From: Christina Watson [Christina@tamcmonterey.org]
Sent: Tuesday, March 30, 2010 8:50 AM
To: Dan Leavitt; HSR Comments
Subject: HSR EIR online problems

Dan,

I thought you might want to know that some of the links to the Bay Area to Central Valley Revised Draft Program EIR Material are not functioning:

http://www.cahighspeedrail.ca.gov/images/chsr/20100305150026_hsr_ba-cv_draft_materials_mar4.pdf

http://www.cahighspeedrail.ca.gov/images/chsr/20100304173608_titlepage_signature_contents.pdf

http://www.cahighspeedrail.ca.gov/images/chsr/20100304143639_figures_ch2.pdf

Thank you,

Christina

Christina Watson
 Senior Transportation Planner
 Transportation Agency for Monterey County 55-B Plaza Circle Salinas, CA 93901 Tel. (831) 775-4406 Fax (831) 775-0897 christina@tamcmonterey.org <http://www.tamcmonterey.org>

L005-1

Response to Letter L005 (Christina Watson, Transportation Agency for Monterey County, March 30, 2010)

L005-1

The Authority has reviewed the website to ensure that all links are now operational.

Comment Letter L006 (Dave Potter, Transportation Agency for Monterey County, April 5, 2010)

L006



Regional Transportation Planning Agency • Congestion Management Planning
Local Transportation Commission • Monterey County Service Authority for Freeways & Expressways



April 5, 2010

The Honorable Curt Pringle
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Via email to: comments@hsr.ca.gov

**Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments
Support of Pacheco Pass Network Alternative and Downtown Gilroy Station**

Dear Chair Pringle:

On behalf of the Transportation Agency for Monterey County, I am writing to comment on the revised Bay Area to Central Valley Revised Draft Program EIR Material and to let you know that on August 22, 2007, the Agency adopted a position endorsing the Pacheco Pass alignment for the High-Speed Rail project. Since the southern alignment across the Pacheco Pass would have the train stopping at Gilroy and San Jose, it would bring more riders through Gilroy and would likely increase ridership on the connecting commuter rail system in Gilroy to board the High-Speed Rail system. In addition, the Transportation Agency supports a downtown Gilroy station to facilitate connections with regional and local transit services.

L006-1

L006-2

The Transportation Agency is planning for two rail projects in Monterey County: extension of commuter rail service to Monterey County and passenger service to and from the Monterey Peninsula. The Agency's two rail projects complement one another and both will result in removing auto trips from Highways 1, 101 and 156. A third rail project planned for Monterey County is Amtrak's Coast Daylight service that would connect downtown Los Angeles with downtown San Francisco.

L006-3

All three Monterey County rail projects will complement and connect with the High-Speed Rail system at Gilroy and San Jose if the Southern Pacheco Pass alignment is chosen as the preferred alignment, thereby further increasing ridership on this segment. The Pacheco pass alignment and the selection of the historic downtown Gilroy station would be beneficial for Monterey County due to the increased ridership on train services through Monterey County and the regional economy would benefit from increased investment in infrastructure in the region and around train stations.

The three-county Monterey Bay Area had a population of 710,000 in 2000 and is projected to reach nearly a million residents by the year 2030. Our growing population needs an alternative means of getting to jobs, health care, and shopping around the region and opportunities across

L006-4

The Honorable Curt Pringle
April 5, 2010
Page 2 of 2

the state. Increased access to the rail network and connectivity to the high-speed rail system in Gilroy will help the region be more sustainable economically, environmentally and socially.

L006-4
cont.

We appreciate the opportunity to comment on this exciting project.

Sincerely,

Dave Potter

Dave Potter
Chair, Transportation Agency for Monterey County Rail Policy Committee

cc: Hon. Bill Monning, 27th Assembly District
Hon. Anna Caballero, 28th Assembly District
Hon. Jeff Denham, 12th Senate District
Hon. Abel Maldonado, 15th Senate District
Hon. Jim Beall, Jr., 24th Assembly District
San Jose Mayor Chuck Reed
Gilroy Mayor Al Pinheiro
Morgan Hill Mayor Steve Tate
San Mateo County Transit District Chief Executive Officer Michael J. Scanlon
Santa Clara Valley Transportation Authority General Manager Michael Burns
Silicon Valley Leadership Group President & CEO Carl Guardino
Transportation Agency for Monterey County Chair Louis Calcagno
Rail Policy Committee Chair Dave Potter

Response to Letter L006 (Dave Potter, Transportation Agency for Monterey County, April 5, 2010)

L006-1

Comment of support is acknowledged.

L006-2

Comment acknowledged. The Authority understands TAMC's position that a downtown Gilroy station provides a better intermodal connection with the planned TAMC projects, which is noted in the 2008 Final Program EIR in Sections 3.2.4 and 7.3.1 and in Chapter 7 of the 2010 Revised Draft Program EIR Material.

L006-3

Comment regarding preference of Pacheco Pass Alignment and Gilroy downtown station noted.

L006-4

Comment acknowledged. Serving existing and anticipated growth in this area is among the reasons for identifying the Pacheco alignment with San Jose and San Francisco network alternative as preferred. Chapter 7 of the 2010 Revised Draft Program EIR Material states: "There are a number of reasons supporters give for preferring the Pacheco Pass, including: 1) quicker travel times between San Jose/Silicon Valley and Southern California; 2) more frequent/better service between Bay Area and southern California; 3) higher ridership potential; 4) less potential environmental impacts; 5) avoiding impacts on wildlife and sensitive habitat through Don Edwards San Francisco Bay National Wildlife Refuge; 6) best serves the Caltrain Corridor (San Francisco to Gilroy); 7) provides good HST access for the three county Monterey Bay area with a south Santa Clara HST station; 8) can serve San Francisco, Oakland, and San Jose without a new crossing of the Bay; 9) all service through San Jose/best serves south Bay; and 10) less cost for first phase of system between the Bay Area and Anaheim." (emphasis added)

Comment Letter L007 (John Ristow, Santa Clara Valley Transportation Authority, April 9, 2010)

L007



April 9, 2010

Mr. Dan Leavitt, Deputy Director
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Subject: Bay Area to Central Valley Revised Draft Program-Level EIR

Dear Mr. Leavitt,

Santa Clara Valley Transportation Authority (VTA), the Congestion Management Agency (CMA) and transit operator for Santa Clara County, strongly supports the findings in the Revised Draft Program EIR for the Bay Area to Central Valley segment of the High-Speed Train Project which recommends the Pacheco Pass alignment as the entry point of the High-Speed Train system into the Bay Area. The recommended alignment through Gilroy, with a station, parallels Union Pacific Railroad (UPRR) tracks without using operating right-of-way and then joins the Caltrain right-of-way at San Jose Diridon Station. This best serves the travel needs of Santa Clara County by connecting the job centers of Silicon Valley with the statewide high speed rail network.

L007-1

The Revised Draft Program EIR addresses Judge Kenny's ruling, that the original EIR did not adequately describe the alignment between Gilroy and San Jose. The revised project description parallels portions of the Union Pacific alignment in south Santa Clara County but will not use UPRR's operating right-of-way, instead using portions of the current Monterey Highway right-of-way. The Revised Draft Program EIR also addresses issues raised by UPRR regarding potential impacts to their freight operations.

L007-2

The cooperative process between the California High-Speed Rail Authority, VTA, and the Cities of San Jose, Morgan Hill and Gilroy to identify a viable alignment through south Santa Clara County demonstrates the commitment the local governments of the County have to the Project and the spirit of the ongoing relationship we have with the Authority as we collectively continue to address the many challenging issues that are ahead of us.

L007-3

VTA will continue to work with the Authority and our local cities to implement the Project and recommends the Authority, once again, affirm its support for the Pacheco Pass alignment and approve the Revised Draft Program EIR.

Sincerely,



John Ristow
Chief CMA Officer

3331 North First Street • San Jose, CA 95134-1927 • Administration 408.321.5555 • Customer Service 408.321.2300

Response to Letter L007 (John Ristow, Santa Clara Valley Transportation Authority, April 9, 2010)

L007-1

Comment of support is acknowledged.

L007-2

Comment of support is acknowledged.

L007-3

Comment of support is acknowledged.

Comment Letter L008 (Chuck Reed, City of San Jose Office of Mayor Chuck Reed, April 8, 2010)

L008

Kris Livingston

From: Oliver, Kimberly [Kimberly.Oliver@sanjoseca.gov]
Sent: Wednesday, April 07, 2010 4:58 PM
To: HSR Comments
Cc: Janssen, Jeff; Fernandez, Christina; Tripousis, Ben; Miller, Celia
Subject: High Speed Rail Letter
Attachments: HSR April 8.pdf

Signed HSR Letter attached.

Kimberly Oliver
 City of San José | Office of Mayor Chuck Reed
 200 East Santa Clara Street | San José, CA 95113
 T (408) 535-4818 | F (408) 292-6421



Chuck Reed
 MAYOR

April 8, 2010

Mr. Curt Pringle
 Chairman
 California High-Speed Rail Authority
 925 L Street, Suite 1425
 Sacramento, CA 95814

Subject: San Francisco to San José Section High-Speed Train Project - Peninsula Corridor

Dear Chairman Pringle:

The City of San José appreciates the work of the California High Speed Rail Authority in soliciting the input of local agencies as part of the development of the San Francisco to San José segment of the California High Speed Rail project. As you know, the City of San José has long been a supporter of this project and considers the implementation of High Speed Rail in the Caltrain Peninsula Corridor vital to the long term interests of the entire region. At the same time, this project is consistent with and furthers San José's goals related to multi-modal transportation, smart growth, economic development, and Downtown revitalization.

L008-1

This project will help establish Silicon Valley as the transportation "Gateway to the Bay Area", while integrating the highest number of transit modes and local transit systems with the regional network.

L008-2

At the same time, the project will increase mobility for Silicon Valley and adjoining Bay Area counties while promoting retention and expansion of a growing employment base.

L008-3

The San José to San Francisco segment is critical to the overall success of the High Speed Rail project. Ridership is estimated to be at its highest when destinations in Northern and Southern California are linked by this popular air and automobile corridor. High Speed Rail will significantly reduce carbon emissions and provide a green mode of transportation across California.

L008-4

While the implementation of the California High Speed Rail project within the existing railway corridor of the Caltrain Commuter Rail System presents significant challenges, we are confident that solutions to these challenges can be identified as part of the Project Level Environmental Review process currently under way.

L008-5

200 East Santa Clara Street, 18th floor, San José, CA 95113 tel (408) 535-4800 fax (408) 292-6422 www.sjmayor.org

Comment Letter L008 - Continued

Mr. Dan Leavitt
Subject: San Francisco to San José Corridor
April 08, 2010
Page 2 of 2

The City of San José has worked with the California High Speed Rail Authority for over a decade and we appreciate the Authority's continued efforts to ensure that High Speed Rail access into and out of the San José Diridon Station is fully analyzed to determine whether aerial, at-grade, or underground access to Diridon Station will be most effective and appropriate, as reflected in the Draft Alternatives Analysis.

L008-6

We continue to encourage your efforts to reach out to affected communities to the greatest extent possible. Local neighborhoods should continue to be included in the development of the project at every phase and we appreciate the ongoing dialogues that your team has established with community leaders, local elected officials and residents.

L008-7

We look forward to continuing to work with your staff and consultant teams to develop and deliver this important project.

Sincerely,



Chuck Reed
Mayor

Response to Letter L008 (Chuck Reed, City of San Jose Office of Mayor Chuck Reed, April 8, 2010)

L008-1

Comment of support is acknowledged.

L008-2

Comment of support is acknowledged.

L008-3

Comment of support is acknowledged.

L008-4

Comment of support is acknowledged.

L008-5

Comment of support is acknowledged.

L008-6

Comment of support is acknowledged.

L008-7

Comment acknowledged.

Comment Letter L009 (Al Pinheiro, City of Gilroy, April 7, 2010)



City of Gilroy
7351 Rosanna Street
Gilroy, California
95020-6197

Telephone (408) 846-0202
Facsimile (408) 846-0500
<http://www.ci.gilroy.ca.us>

AL PINHEIRO
MAYOR

April 7, 2010

Chairman Pringle and Members of the Authority
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Dear Chairman Pringle and Members of the Board:

This letter is sent by the city of Gilroy to register the following requests of the Authority. As mayor, I want the Authority to know that Gilroy supports the High Speed Rail Project generally, but realizes that there are long term implications to our community if the project is not constructed in a context sensitive manner.

The High Speed Rail project represents a substantial planning impact on the city at an economically challenging time. At this very moment, we as a city, are focusing on providing the very basic municipal services to the residents of Gilroy. We lost 71 full time employees and face continued difficulty in meeting our service demands as a result of the Great Recession we find ourselves in.

1. While we are supportive of High Speed Rail, we request that the Authority budget appropriate levels of funding for Gilroy to utilize to adequately complete the necessary planning related studies to incorporate HSR as a component of our community design.
2. The Authority must support proper planning for any HSR alignment alternative by fully funding a meaningful Context Sensitive Solutions planning process in Gilroy.
3. Any downtown alternative must be trenched. The Authority should recognize that Gilroy's downtown is a mile long, but two blocks wide. Aerial tracks will destroy the downtown corridor, cause instantaneous urban decay, and impose an environmental injustice on adjoining, lower income neighborhoods which form the core of our federally designated Neighborhood Revitalization Strategy Area.
4. Any eastside alignment through Gilroy (Llagas Creek to Buena Vista) should be sufficiently elevated so as to prevent the city from having to expend sizeable funds to tunnel under or bridge over High Speed Rail tracks as a means of completing its roadway circulation system.

L009

L009-1

L009-2

L009-3

L009-4

L009-5

L009-6

5. Either a downtown or eastside alternative must adequately examine the environmental impacts, including, but not limited to, noise, construction, vibration, traffic circulation, environmental justice and any other environmental impact related to the placement of High Speed Tracks through the community.

L009-7

6. The Authority should adequately plan for and construct the necessary parking facilities for a Gilroy station.

L009-8

7. The Authority should investigate all implications of any alignment alternative on the CalTrain service in Gilroy. The goal of any alignment should be to facilitate intermodal access to both means of rail transportation.

L009-9

Gilroy remains committed to a favorable resolution to these issues, yet asks that the Authority recognize the extreme and burdensome financial implications to the city to properly study this project on behalf of our community. Surely, the Authority does not want to burden the people of Gilroy with expenses brought about by this project that are properly borne by the Authority who is responsible for the affects of this project in our local community.

L009-10

Please provide the necessary funding and support to Gilroy so that we can demonstrate to the community that this project is properly conceived, planned and implanted in a manner that will benefit the community and the state.

Very truly yours,

Al Pinheiro
Al Pinheiro
Mayor

Response to Letter L009 (Al Pinheiro, City of Gilroy, April 7, 2010)

L009-1

Comment acknowledged.

L009-2

Comment acknowledged.

L009-3

The request for HSRA funds sent to the CAHSRA Board is currently under review by the Authority.

L009-4

Gilroy's request for funding is under consideration by the Authority.

L009-5

The Authority appreciates the comment. The 2010 Revised Program EIR Material identifies an aerial alignment in downtown Gilroy as preferred. Project-level environmental studies will address design and profile variations for alignments that are part of the network alternative ultimately selected by the Authority for further study. The Authority will consider the comment as part of the project-level EIR/EIS processes.

L009-6

The Authority appreciates the comment. See response to comment L009-5. The Authority has had additional communication with City of Gilroy staff and will consider the comment as part of the project-level EIR/EIS processes.

L009-7

The Authority appreciates the comment. The 2008 Final Program EIR evaluated these subject areas at the program level in Chapter 3 (Sections 3.4 – Noise and Vibration, 3.18 – Construction, 3.1 – Traffic, Transit, Circulation, and Parking, and 3.7 – Land Use and

Planning, Communities and Neighborhoods, Property, and Environmental Justice). Site specific environmental impacts including noise, construction, vibration, traffic circulation, environmental justice, and other impacts will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes. Also see Standard Response 3.

L009-8

Comment acknowledged. The technical study for the project-level EIR/EIS, will analyze Potential parking impacts and provisions in detail. The analysis of number of parking spaces required and the placement of the parking facilities will be conducted in the project-level. This information will be documented in a Traffic, Transit, Circulation and Parking Report. Potential parking impacts will be evaluated based on the existing and future parking supply and the projected parking demand. Parking demand will be based upon the patronage and mode of access forecasts at each proposed station, including parking and related circulation impacts for adjacent neighborhoods.

L009-9

The 2008 Final Program EIR and the 2010 Revised Program EIR material both discuss intermodal connections for the HST system – please see Sections 3.2.4 and 7.3.1 of the 2008 Final Program EIR and Chapter 7 of the 2010 Revised Draft Program EIR Material. The Authority's stated goal is to "Maximize intermodal transportation opportunities by locating stations to connect with local transit, airports, and highways." (See Sections 1.2.1 - Purpose of High-Speed Train System and Section 3.2.1 of the 2008 Final Program EIR.)

L009-10

Please see Response to Comment L009-4.

Comment Letter L010 (Thomas J. Haglund, City of Gilroy Community Development Department, April 26, 2010)

L010

Kris Livingston

From: Don Dey [Don.Dey@ci.gilroy.ca.us]
Sent: Monday, April 26, 2010 1:38 PM
To: HSR Comments
Cc: Tom Haglund; Rick Smelser
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments
Attachments: High Speed Rail - Bay Area to Central Valley - Program EIR Comments (TH) (4-26-10).PDF

Dan Leavitt

Attached is a comment letter from the City of Gilroy on the Bay Area to Central Valley Revised Draft Program EIR Material Comments. Thank you for including the City of Gilroy in the environmental review process for the High-Speed Train.

If there are any questions concerning information in the attached letter please contact Tom Haglund or myself.

Thanks

Don Dey
 City Transportation Engineer



City of Gilroy

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division	(408) 846-0440; fax (408) 846-0429
Engineering Division	(408) 846-0450; fax (408) 846-0429
Building, Life & Environmental Safety	(408) 846-0430; fax (408) 846-0429
Housing & Community Development	(408) 846-0290; fax (408) 846-0429

April 26, 2010

Dan Leavitt, Deputy Director
 California High-Speed Rail Authority
 925 L Street, Suite 1425
 Sacramento, CA 95814

Attn: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

Thank you for including the City of Gilroy in the environmental review process for the Bay Area to Central Valley High-Speed Train Revised draft Program Environmental Impact Report. The Gilroy City Council has recommended that comments be forwarded to the California High-Speed Rail Authority for review in the preparation of the Project Level EIR/EIS study for the California High-Speed Train (HST) system from San Jose to Merced.

One of the main comments provided by the Gilroy City Council is that they favor comprehensive review of two High-Speed Train alignment options through the City of Gilroy. The first option is a "trenched" vertical alignment design that would follow the Union Pacific Railroad tracks with an HST station in the vicinity of the Caltrain Station. The second option is an "elevated" vertical alignment design east of US 101 with an HST station in the Gilroy "660" area. We understand that there are many challenges and mitigations to meet this goal and the City would like to work with the Authority to determine the best options for Gilroy.

L010-1

The 2010 Revised Draft EIR is fairly limited in its evaluation of the proposed project, as it only addresses issues the court determined to be inadequate. We have reviewed the Bay Area to Central Valley High-Speed Train Revised draft Program Environmental Impact Report and have the following comments:

High Speed Rail Alignment Design Criteria

1. Is it definitely intended to use 220 mph design speeds from San Jose south to the Central Valley for all sections?
 - a. The Business Plan shows that for a sample peak hour timetable southbound (page 74, figure 3), 7 out of the 8 services stop at both Gilroy and San Jose. The distance between San Jose and Gilroy is 30 miles, which is insufficient time for a train to achieve 200+ mph and slow down again for the stop. In fact, the average speed appears in several places in both the original and revised EIR/EIS as being between 115-120 mph with a maximum of 180 mph. Even for the 1 out of 8 services that is express and goes direct from San

L010-2

C:\Documents and Settings\dond\Local Settings\Temporary Internet Files\Content.Outlook\DA&SR7IS\High Speed Rail - Bay Area to Central Valley - Program EIR comments (TH) (4-26-10).doc

1

Comment Letter L010 – Continued

Francisco to Los Angeles, the speed is restricted until the southern urban fringe of San Jose. The higher the design speed the higher the minimum radius of curvature of the alignment will be. This reduces flexibility to avoid specific obstacles and the overall alignment rigidity	L010-2 cont.		
2. What are the criteria for missing obstacles – is it a minimization of the number or are land issues taken into account?	L010-3		
a. The normal design process for alignments is to identify constraints and design around them. However, it does depend on the approach the designer takes to all the criteria that could determine the optimum alignment.			
3. Is land severance taken into account to minimize splitting homogeneously owned and operated land parcels?	L010-4		
a. This is another potential alignment design criteria where the alignment could minimize the number of land parcels that are split.			
4. Under what conditions would "trenching" of the track be considered?	L010-5		
a. Trenching is substantially more expensive than elevating the track. The severance of utilities is one of the problems. The City favors entrenchment because of positive visual impact, noise attenuation and connectivity.			
5. What are the criteria for road crossings?			
a. Constructing overpasses or underpasses when intersecting existing roads are all important issues that need to be addressed in the Project EIR. Gilroy has planning its Circulation Element based on a grid network with generally two and four travel lane streets. Disruption of the Circulation Element network would serve as a potential significant impact to the City.	L010-6		
6. Will road traffic impacts and mitigations have an effect on the alignment design?	L010-7		
a. The alignment will potentially cause diversions and rerouting of traffic paths. Will the efficiency of this also be used as an alignment design criterion?			
7. Are the construction impacts and phasing taken into account in the design process?	L010-8		
a. There will be a balance between construction efficiency and minimizing disruption to local businesses and residents. It is important to know how this is viewed.			
8. Is the alignment design influenced by noise impacts?	L010-9		
a. A criterion for alignment design can also be the minimization of noise impacts to sensitive receptors (e.g., schools/hospitals/residential areas). This may also form part of the criteria that influences alignment.			
9. What allowances for maintenance access will need to be made?	L010-10		
a. Some access for maintenance will need to be made by road and will thus occur in Gilroy.			
10. Power and energy connections.	L010-11		
a. Traction power substations and their consequent connections will be required. If the route goes through the City, where will these be located? This can be a very sensitive issue.			
11. Necessary utility severance and connections.	L010-12		
a. The utilities can be a very expensive item to reroute. How will the CHSRA take that into account in their alignment decisions?			
12. Interconnectivity with other Rail and Bus feeder services.	L010-13		
a. A Downtown HST station and alignment is the logical location from the point of view of connecting services. How much is that weighted against other issues? Travelers dislike too many interchanges which could affect revenue. A major HST objective is to minimize OVERALL journey times.			
13. Station location and development. Is this considered important in alignment decisions?	L010-14		
a. Policy is that Transit Oriented Development (TOD) should be a major part of station development. Is this seen as an influencing criterion? The CHSRA is looking to maximize private sector investment. The HST station and surrounding development could be a considerable issue here in terms of potential contributions from the private sector.			
14. Is immediately adjacent parking considered to be a deciding criterion?	L010-15		
		a. Fitting 2800-3800 car parking spaces (Final Bay Area to Central Valley High Speed Train (HST) Program EIR/EIS 2008, Volume 1 pg 7-149) into the Downtown Gilroy will not be an easy task. However, the passenger demand estimates show 3800 regional and 1100 local boarders (Report to the Legislature: December 2009 from the CHSRA Business Plan, Table D pg 72) for an average workday. Would it be possible to accommodate the regional car users at a "long term" car park outside Downtown Gilroy (similar to SFO)?	L010-15 cont.
		15. What is the parking demand for the Gilroy HST station?	
		a. It has been discussed at recent HST meeting that 6,300 – 6,600 parking spaces would be needed for the Gilroy HST station. The Final Bay Area to Central Valley High Speed Train (HST) Program EIR/EIS 2008, Volume 1 pg 7-149 identifies a parking lot capacity for 2800 – 3800 parking spaces. There is a need for better of the parking space need. How many parking spaces are required for a Downtown HST station? How many parking spaces are needed for an East Side HST station?	L010-16
		16. What is going to be required for emergency service access and is this location sensitive?	L010-17
		a. There will need to be plans to handle incidents and general security. How relevant is this to the location and alignment design?	
		Traffic Impacts The City of Gilroy has a concern about the potentially significant impact the project may have to traffic volume and congestion. In order to adequately address our concerns regarding the High Speed Train Project we recommend a specific project traffic impact analysis be prepared. The traffic impact analysis should include, but not be limited to the following:	
		a. Information on the project's traffic impacts in terms of trip generation, distribution, and assignment for the train station in Gilroy. The assumptions and methodologies used in compiling this information needs to be documented.	
		b. Current Average Daily Traffic (ADT) and AM and PM peak hour volumes on all significantly affected streets and intersections, highway segments and freeway ramps, for the Gilroy train station and all Gilroy train station alternatives analyzed.	L010-18
		c. Schematic illustrations of traffic conditions for: 1) existing, 2) existing plus background traffic, 3) existing plus background traffic plus train station project, and 4) cumulative impact for intersections in the train station and elevated grade crossing locations. The City of Gilroy has a documented traffic study procedure, development data base and traffic volume database for approved and proposed development and suggests that the Project utilize this information for the traffic analysis.	
		d. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the roadways being evaluated. The City of Gilroy General Plan generally identifies the Level of Service standard for intersections west of US 101 at LOS "C" and east of US 101 at LOS "D." City staff can provide clarifying information for the LOS standard requirement for the traffic study.	
		The Transportation Impact Analysis (TIA) for the Project EIR/EIS should include relevant segments of freeways, interchanges, State Highways, city roadways and intersections in the City of Gilroy. The freeway segments and intersections to be analyzed should be determined according to the VTA TIA guidelines and would include those meeting the following thresholds.	L010-19
		• Freeways: If the project is expected to add traffic equal to at least one percent of the freeway segments' capacity.	

C:\Documents and Settings\dond\Local Settings\Temporary Internet Files\Content.Outlook\DA8SR7IS\High Speed Rail - Bay Area to Central Valley - Program EIR comments (TH) (4-26-10).doc

C:\Documents and Settings\dond\Local Settings\Temporary Internet Files\Content.Outlook\DA8SR7IS\High Speed Rail - Bay Area to Central Valley - Program EIR comments (TH) (4-26-10).doc

Comment Letter L010 - Continued

- Intersections: If the project is expected to add 10 or more peak hour vehicles per lane to any intersection movement. (It must be pointed out that due to high weekend retail traffic in Gilroy east of US 101, the weekend is the highest peak period and this is part of our regular studies)
- The traffic study must clearly identify the method of estimating the number of trips and the method of distributing project trips.

L010-19
cont.

The EIR analysis should refer to recent efforts in Santa Clara County's South County area to study and address future roadway issues due to growth. The studies include the VTA South County Circulation Study and the VTA Southern Gateway Study. In addition, there is a project in design and environmental review for the US 101/SR 25/Santa Theresa interchange.

L010-20

It is very important that the Project EIR completely study the existing, background, project and cumulative traffic conditions for the area and particularly their impacts on the City of Gilroy's Circulation system including freeway circulation.

L010-21

Parking

- Provide clarification on how the parking analysis will be performed and how the parking needs generated by the project will be supplied.
- A detailed parking analysis must be prepared that identifies the existing parking conditions around the proposed HST train station and the project level demand for parking for the HST station and the location(s) where parking for the HST station will be constructed. Reasonable walking distances must be assumed for the construction of new parking facilities so that residential neighborhoods are not impacted.
- A detailed pick-up / drop-off analysis must be performed for the HST station that identifies the traffic circulation in the station area and the project level demand for pick-up and drop-off for the HST station.
- Are there Taxi waiting areas at the HST station? How does Taxi service impact parking space needs and the pick-up drop-off area. Are there rental car facilities planned for the HST station? How does rental car service impact parking space needs and pick-up drop - off area.

L010-22

High-Speed Train Alignment

The City of Gilroy favors two High Speed Train alignment options through the City. The first option is a "trenched" vertical alignment design that would follow the Union Pacific Railroad tracks with an HST station at the Caltrain Station. The second option is an "elevated" vertical alignment design east of US 101 with an HST station is the Gilroy "660" area. We believe that CHRSA should:

- Analyze an HST alignment that is "trenched" through Downtown Gilroy and is adjacent to the current Union Pacific Railroad operating right of way through Gilroy.
- Analyze a trenched vertical alignment alternative through Gilroy for all railroad tracks – HST, Caltrain, Union Pacific. In a downtown alignment this is Gilroy's preferred design to keep the pedestrian integrity of the City's revitalized pedestrian oriented downtown (see the attached illustrations).
- Analyze an HST alignment that is "elevated" on the east side of Gilroy through the "660" area which would essentially be from Llagus Creek to Buena Vista Avenue. This alternative alignment is known as the east of US 101 alignment.

L010-23

- The preferred HST station in Downtown Gilroy is the Caltrain Station area. Analyze alternative station locations including 1) the east side of the UPRR tracks adjacent to the Caltrain Station, and 2) an HST station south of Tenth Street.
- Analyze an HST alignment that travels east of US 101 through Morgan Hill and then crosses into Gilroy to follow the UPRR tracks.
- Analyze an HST alignment that travels east of US 101 through Morgan Hill and then is elevated through Gilroy's "660" area from Buena Vista Avenue to Llagus Creek (East Side Elevated Alignment).

L010-23
cont.

Construction Impacts

The City has a concern about the potentially significant impact the project may have during construction of at-grade, elevated or trenched train tracks and the associated HST station.

- The construction of at-grade, trenched or elevated train tracks and an HST train Station will cause traffic circulation problems during the construction phase. The construction phase needs to be reviewed in the environmental document and mitigation measures for handling traffic disruption identified.
- Noise and vibration issues are also a major concern for the Downtown area during construction. The construction impacts must be reviewed and mitigated.

L010-24

Noise and Vibration Impacts

The City has a concern about the potentially significant impact the project may have to noise and vibration issues.

- The project-level EIR will have to address the impacts of noise and vibrations to existing buildings and residences in Gilroy, and will have to mitigate noise levels to meet Gilroy's noise standards. In addition, special studies may be required to determine the impact of the trains' vibrations on unreinforced masonry structures downtown.

L010-25

Circulation Element Network Impacts

Recent project information has identified that two High-Speed Train (HST) alignments are currently being considered through the Gilroy area. One HST alignment would operate through the downtown area and the other HST alignment would operate east of U.S. 101 and the adjacent commercial development. It is important that the City of Gilroy receive sufficient information to determine the advantages and disadvantages relative to best meeting the overall objective of the HST project and the needs of the City. Key evaluation measures will include the quality of the connection to Caltrain, impacts to traffic circulation and the resulting need for additional roadways and grade separations, impacts during construction, and the need for significant parking structures.

L010-26

The quality of the connection to Caltrain service has been one of the main reasons for selecting the Pacheco Pass alignment because of the possibilities of providing direct service to Caltrain stations in south San Jose and connections with the planned Caltrain extension to Salinas and the Monterey area. The agreement between the Caltrain Joint Powers Board/VTA and the Union Pacific Railroad currently provides for 20 passenger trains per day.

L010-27

It is also important to note the Gilroy General Plan will require some degree of updating regardless of the selected alternative. The update will likely involve higher density land uses in the vicinity of the HSR

L010-28

Comment Letter L010 - Continued

station, station location review, and significant changes to the circulation element. The circulation element changes may involve new freeway overcrossings and new major arterials.

It is important for the HSR Authority and their consultants to provide "station-to-station" trip forecasts so that the magnitude and distribution of traffic associated with the Gilroy HST station would be better understood during the development of the project level EIR traffic studies of the Gilroy area

In conclusion, the project level EIR will need to address a number of significant issues, including:

- Construction Impacts
- The need for regional roadway connectivity from the Caltrain station to the HST station
- The need for new freeway overcrossings (for the East of U.S. 101 scenario)
- Amending the Gilroy General Plan/Circulation Element
- Determining where an East of U.S. 101 HST station might be located (south of Gilroy, east of the outlet mall, or north of Gilroy)

Planning Impacts

Comments on the 2010 Revised Draft EIR

1. The City agrees with the Authority's determination that the proposed route through Gilroy, with a train station in Gilroy, should remain the preferred alternative for preparation of the project-level EIR. The City is currently working with the Authority and their consultants to identify alternative sites to evaluate in the project-level EIR.

2. Page 3-5 and Figure 3-2d. Paragraph 3 states that the "Gilroy HST station would be elevated adjacent to the non-mainline UPRR right-of-way, near the existing Gilroy Caltrain station. This is shown in Figure 3-2d." Figure 3-2d does not clearly identify the location of the proposed station. Please identify the boundaries of the proposed location on the aerial photograph in Figure 3-2d.

3. The project-level EIR will need to address the impacts of noise and vibrations to existing buildings, including both commercial and residential, in Gilroy, and will need to identify mitigation to meet Gilroy's noise standards. In addition, special studies should be conducted to determine if the trains' vibrations would adversely affect the unreinforced masonry structures in the downtown.

Comments on the 2008 EIR

The City understands that the Authority has solicited comments on only the 2010 Revised Draft EIR at this time; however, we do request clarification for one issue in the 2008 EIR. Page 3.15-46. This page summarizes the loss of agricultural land and potential impacts to sensitive biological resources associated with preferred Gilroy Station, as well as the alternative Morgan Hill station. The impacts associated with the Morgan Hill location and the Morgan Hill location options are presented separately. The Gilroy Station location is discussed as follows

This station location option could have direct impacts on 3.7 ac (1.5 ha) of agricultural land, 0.1 ac (0.04 ha) of grasslands, and 30 ac (12.14 ha) of urban/other developed lands. This station location option could have indirect impacts on 28 ac (11.33 ha) of agricultural lands, 7 ac (2.83 ha) of grasslands, and 192 ac (77.7 ha) of urban/other developed lands. This station location option could adversely affect the habitat of one special-status plant species. Impacts on special-status wildlife species, waters, wetlands, and marine/anadromous species are not anticipated with this station location.

L010-28
cont.

L010-29

L010-30

L010-31

L010-32

L010-33

L010-34

As the Gilroy station location is an old train yard, please clarify the statement that this location could have direct impacts on agricultural land and grasslands. The old train yard does not include agricultural land or grasslands. Also, please confirm what "station location option" this discussion is referring to, as the EIR does not identify an alternative station location in Gilroy. What location could have impacts on 28 acres of agricultural land, and 7 acres of grassland? We could not find the justification for these statements in the 2008 EIR, including the appendices.

The NOP identifies several potential environmental impacts that the EIR will analyze. Gilroy Planning staff is particularly concerned about impacts related to the parking demands created by the HST station; vibration impacts on existing and future buildings; noise generation; impacts to historic structures; and neighborhood compatibility. Therefore, the Planning Division recommends that the High-Speed Rail EIR address the following issues. The EIR needs to analyze the potential for impacts in these areas to occur as a result of project development and operation, and develop mitigation measures that reduce impacts to a level of insignificance.

- A detailed parking analysis must be prepared that identifies the existing parking conditions around the proposed train station and the project demand for parking for the station. Reasonable walking distances must be assumed for the construction of new parking facilities so that residential neighborhoods are not impacted.
- Gilroy has targeted much of the downtown area for historic preservation. The HST's impact to historic structures must be analyzed, particularly any potential for the loss of historic buildings.
- Gilroy has targeted much of the area surrounding the train station for neighborhood revitalization, and staff has concerns that the HST tracks could divide neighborhoods, making cross town access and neighborhood integration difficult.

If you have any questions concerning information in this letter, please contact me at (408) 846-0202.

Sincerely,



Thomas J. Haglund
City Administrator

C: Don Dey, City Transportation Engineer
Rick Smelser, City Engineer

L010-34
cont.

L010-35

Response to Letter L010 (Thomas J. Haglund, City of Gilroy Community Development Department, April 26, 2010)

L010-1

The Authority appreciates the comment. The Authority intends to prepare a more comprehensive and detailed review of alignment and station location options in the project-level EIR/EIS **studies**. The Authority will consider these comments as part of the project-level EIR/EIS processes.

L010-2

Per State legislative mandate an express train (no stops) operating between San Francisco and Los Angeles must complete the trip in less than two hours and forty minutes. This may require 220 mph operations south of the San Jose urban area. These speeds are achievable based on anticipated vehicle technologies. These fast speeds will have an impact on flexibility in alignment design to avoid specific obstacles.

L010-3

There is no specific design criteria in regards to missing obstacles related to private and public facilities, but design objectives include avoiding and minimizing adverse environmental impacts. Design of alignments takes into account the large number of environmental issues considered in the project-level environmental review of the project.

L010-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Land severance was not one of those topics. See Section 3.8, Agricultural Lands, in the 2008 Final Program EIR. Land severance is one of many factors considered during project-level design and environmental review of the project. Where possible land severance is avoided or minimized.

L010-5

See Response to Comment L009-5. A "trench" alignment would be considered as an alignment option where it would be determined to be a viable option to mitigate severe environmental impacts caused by other alignment alternatives (at-grade, aerial).

L010-6

Comment acknowledged. The HST system will be designed to have fully grade-separated tracks. Project-specific analyses of circulation, traffic, and parking will be conducted in the project-level EIR/EIS for the station areas, access roads, and other facilities that might be affected by the proposed HST station. This will be documented in a Traffic, Transit, Circulation and Parking Report.

L010-7

Impacts to existing roadways and traffic are important issues considered during project-level design and environmental evaluation of alignment alternatives. To the extent possible alignment design will strive to minimize impacts to roadway and traffic.

L010-8

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction was not one of those topics. See Section 3.18, Construction, in the 2008 Final Program EIR. Construction impacts will be identified and evaluated during the project-level environmental review phase. Appropriate mitigation, which could include recommendations for project phasing, will be identified in response to identified potential severe impacts.

L010-9

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as

requiring corrective work under CEQA. See the noise analysis in the 2008 Final Program EIR, Section 3.4, Noise. Impacts are one of many factors considered during project-level design and environmental review of the project. Where possible, noise impacts are avoided or minimized through alignment design. See Standard Response 5.

L010-10

Access to the HST corridor and related facilities will be developed during project level design and environmental review. It is anticipated that accesses will to the greatest extent possible utilize existing public rights-of-way and thus minimize impacts to private and public property. Specific locations will be further examined at the project level when more detailed design and engineering information will be available and more detailed studies on environmental impacts can be performed.

L010-11

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Traction power substations was not one of those topics. Locations of traction power substations will be determined during project-level environmental review. Substations would be spaced at approximately five mile intervals.

L010-12

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Public services and utilities was not one of those topics. Please see Section 3.10 of the May 2008 Final Program EIR. Project-level analysis would address all utilities and local issues once the alternative alignment for the Bay Area to Central Valley corridor is selected. Project-level environmental documentation and subsequent planning documents will identify precise utility locations and will analyze in more detail conflicts between the HST system and utilities. All potential conflicts will be reviewed during the more detailed project-level environmental analysis and during final design. The Authority will

consult with the various utility providers during the detailed project-level analysis to minimize potential conflicts including avoidance. If avoidance is not feasible and adjustment of alignments has not removed the potential conflict, relocation/reconstruction/restoration of the utility would be considered, in close consultation and coordination with the utility owner. See also Standard Response 3.

L010-13

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Interconnectivity was not one of those topics. Multi-modal connectivity between HST and local transit services is one of many important issues to be considered during project level design and environmental evaluation of alignment alternatives. Multi-modal transportation hubs are one of the Design Practices identified by the Authority. See Chapter 2 of the 2008 Final Program EIR.

L010-14

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Station location/development was not one of those topics. See Chapters 2, Alternatives, and Chapter 6, HST Station Area Development, of the 2008 Final Program EIR regarding transit-oriented development (TOD). Location of stations and their associated potential transit oriented development are two important issues to be considered during project level design and environmental evaluation of alignment alternatives. TOD is one of the Design Practices identified by the Authority. See Chapter 2 of the 2008 Final Program EIR.

L010-15

As noted in the comment, Chapter 7 of the 2008 Final Program EIR provides the anticipated demand level for parking spaces needed at a Gilroy Station. The mitigation strategies for parking provided in Section 3.1, Traffic, Transit, Circulation, and Parking, include:

“Local Strategies:

- Provide additional parking.
- Consider offsite parking with shuttles.
- Share parking strategies.
- Implement parking permit plans for neighborhoods.
- Employ parking and curbside use restrictions..." (emphasis added)

This section goes on to say, "The above mitigation strategies would be refined and applied at the project level and are expected to substantially avoid or lessen impacts around station areas to a less-than-significant level in most circumstances."

Chapter 2 of the 2008 Final Program EIR states the following:

"Transit-oriented design (TOD) and smart growth land use policies would be used. Station area development principles that would be applied at the project-level for each HST station and the areas around the stations would include:

Higher density development.

- *A mix of land uses (retail, office, hotels, entertainment, residential, etc.) and housing types to meet the needs of the local community.*
- *A grid street pattern and compact pedestrian-oriented design that promotes walking, bicycle, and transit access.*
- *Context-sensitive building design that considers the continuity of the building sizes and coordinates the street-level and upper-level architectural detailing, roof forms, and rhythm of windows and doors.*
- *Limits on the amount and location of development-related parking, with a preference that parking be placed in structures." (emphasis added)*

The above text indicates a preference for parking to be placed in structures as part of TOD development around the station. The

ultimate location of parking and parking structures would be determined as part of the project-level design, engineering, and environmental studies.

L010-16

During preparation of the 2005 Statewide Program EIR and the 2008 Final Program EIR, dedicated station parking was assumed at a number of stations. In the 2005 Statewide Program EIR, it was simply indicated that "parking capacity at each station is projected to meet the demand of travelers under the HST Alternative" (see pp. 3.1-22). In the 2008 Final Program EIR, specific numbers of spaces were identified for each station within the Bay Area to Central Valley section of the system. Much of the demand was assumed to be met through market-rate parking around the stations, especially in the more urbanized areas. The Authority also assumed that the parking at stations would be provided at similar rates to those in the surrounding area.

In both the 2005 and 2008 program-level environmental documents, station parking impacts were addressed. In regard to parking, the following mitigation commitment was made:

"During project-level studies, environmental analyses will provide more detailed review of parking demand and parking to be included with proposed HST stations, plus identify coordination needed with local/regional public transportation providers. To assure parking impacts will be avoided the Authority is to develop and coordinate implementation at the project level parking improvement strategies consistent with local policies, including shared parking, off-site parking with shuttles, and parking and curbside use restrictions, permit plans for neighborhoods with HST stations, and other parking management strategies. (See Traffic and Circulation, Impact 1, mitigation strategies, 6.)" A similar mitigation commitment would be like as part of future decisions on the Revised Final Program EIR.

The higher parking demand that the commenter refers to is the updated unconstrained station parking estimates for 2035 produced for the project-level EIR/EIS. The final parking demand may vary depending on the coordination of project-level parking improvement strategies as noted above.

Also see Response to Comment L009-8.

L010-17

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Emergency access was not one of those topics. Consideration of emergency response and access will be addressed during the project-level environmental review.

L010-18

Comment acknowledged. A traffic impact study for the project will be prepared at the project EIR/EIS level which will include a detailed evaluation of parking, pedestrian, bicycle, transit, construction and cumulative transportation impacts of the proposed HST project. This information will be documented in a Traffic, Transit, Circulation and Parking Report. Potential impacts evaluated will include (1) Changes in traffic volumes on local streets that result from project and from project construction and the effect of these changed volumes on roadway operations and critical intersections. (2) The analysis of number of parking spaces required and the placement of the parking facilities will be evaluated. Potential parking impacts will be evaluated based on the existing and future parking supply and the projected parking demand. Parking demand will be based upon the patronage and mode of access forecasts at each proposed station, including parking and related circulation impacts for adjacent neighborhoods. (3) Potential impacts to transit including potential for inadequate capacity of feeder bus service, potential for traffic congestion from project to disrupt or delay bus service that serve or run near stations or other transit operations. Potential impacts of project construction on transit service will also be evaluated in detail. (4) The project-level traffic impact analysis study will also evaluate the effect of the project and project construction on existing and planned pedestrian and bicycle facilities. Potential impacts on pedestrian and bicycle connections to and across HST facilities will be analyzed. Detailed information and analysis of potential traffic impacts including impacts to pedestrian and bike facilities and feasible mitigation measures will be included in project-level

EIR/EISs and documented in a Traffic, Transit, Circulation and Parking Report. (5) Cumulative potential traffic impacts due to the proposed project.

L010-19

Comment acknowledged. A Traffic Impact Analysis Study for the project will be prepared at the project EIR/EIS level which will include a detailed evaluation of parking, pedestrian, bicycle, transit, construction and cumulative transportation impacts of the proposed HST project. This information will be documented in a Traffic, Transit, Circulation and Parking Report. Relevant segments of freeways, interchanges, state highways, roadways and intersections will be analyzed to determine impacts due to the proposed project. Affected cities would also be consulted in determining the critical intersections to be evaluated in project level environmental studies.

L010-20

Comment acknowledged. Relevant future roadway developments will be considered in the traffic impact analysis. The project-level environmental analysis will consider all reasonable and feasible projects and consider the cumulative effect due to this project.

L010-21

Comment acknowledged. A Traffic Impact Analysis Study for the project will analyze existing, background, project, and cumulative traffic conditions. The study will include a detailed evaluation of parking, pedestrian, bicycle, transit, construction and cumulative transportation impacts of the proposed HST project. See response to comment L010-18.

L010-22

Comment acknowledged. Information on pick-up/drop-off analysis; taxi waiting areas, rental car facilities will be provided in the project-level EIR/EIS. A complete analysis of traffic and potential parking impacts near HST stations and feasible mitigation measures will be included in the traffic impact analysis study at the project-level EIR/EIS. The analysis of number of parking spaces required and the

placement of the parking facilities will be conducted in the project-level EIR/EIS. This information will be documented in a Traffic, Transit, Circulation and Parking Report. Potential parking impacts will be evaluated based on the existing and future parking supply and the projected parking demand. Parking demand will be based upon the patronage and mode of access forecasts at each proposed station, including parking and related circulation impacts for adjacent neighborhoods.

L010-23

The Authority appreciates the comment. The 2010 Revised Draft Program EIR Material identifies an aerial alignment in downtown Gilroy as the preferred alternative. The Authority will consider this series of comment regarding project level alternatives as part of the project-level EIR/EIS processes.

L010-24

More detailed information and analysis of construction impacts and mitigation will be included in project-level EIR/EISs, including impacts related to construction staging areas, detours, and other construction-related requirements. This analysis will include traffic, noise, air quality, water quality, and other short-term impacts and mitigation. See Standard Response 3.

L010-25

Comment acknowledged. The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. The noise analysis in the 2008 Final Program EIR was not one of those topics. Please see Chapter 3.4 of the 2008 Final Program EIR. The project-level noise and vibration analysis will address impacts to existing land uses, including sensitive receivers. For vibration, the analysis will consider impacts to both typical structures and to structures that may be more susceptible to vibration, such as historic and unreinforced masonry buildings. Also see Standard Response 5.

L010-26

Comment acknowledged. Information on regional connectivity, project-specific analyses of circulation, traffic, pedestrian, bicycle and parking will be conducted in the project-level EIR/EIS for the station areas, access roads, and other facilities that might be affected by the proposed HST station. This will be documented in a Traffic, Transit, Circulation and Parking Report.

L010-27

Comment acknowledged. The HST system has the potential to provide connectivity with Caltrain and other transit agencies operating in the corridor as shown in Table 3.1-4 of the 2008 Final Program EIR/EIS, if the Caltrain corridor is included in the network alternative ultimately selected by the Authority for further study. CHSRA will continue working in the future with transit agencies to enhance connectivity to the HST system.

L010-28

Comment acknowledged.

L010-29

Second-tier, project EIR traffic analysis will examine the magnitude and distribution of traffic associated with a Gilroy station in the event that a Gilroy station is part of the selected network alternative. The second-tier traffic evaluation will ascertain the location of project-generated traffic impacts and related effects based on refined project engineering and design and with consideration of project-level alternatives. Station-to-station trip forecasts may be considered as part of the project-level EIR process regardless of the selected network alternative.

L010-30

The Authority appreciates this comment. The Authority will consider Gilroy's issues as part of the project-level EIR/EIS processes.

L010-31

Comment of support is acknowledged.

L010-32

The proposed general location of the HST station is to the east and immediately adjacent to the existing UPRR mainline tracks, between Old Gilroy and East 9th streets. Most likely a pedestrian overpass would cross over the existing Caltrain and UPRR mainline tracks to provide connectivity with the existing commuter rail station, if this corridor is included in the network alternative ultimately selected by the Authority. This level of detail will be discussed at the project level.

L010-33

See responses to comments L010-24 and L010-25.

L010-34

The program-level land cover analysis for the agricultural impact evaluation in the 2008 Program EIR/EIS used eight different data sources, as described in the 2008 document. These sources do not necessarily identify the current or even recent use of the land. The station location option area for Gilroy is the area including and surrounding the existing Caltrain station, which includes some areas

of open land that is listed on at least one of the sources as including "agricultural land" and "grasslands." Indirect impacts at the program level were identified by applying a buffer around the station location option, and searching the databases for agricultural land covers within this buffer area.

The Authority acknowledges that this land is not currently used for or available for agriculture. More detailed information and analysis of agricultural impacts and mitigation will be included in project-level EIR/EISs.

L010-35

See Chapters 3.1, 3.4, 3.7, and 3.12 in the 2008 Final Program EIR regarding the program-level analysis. Also see Chapter 2 of the 2010 Revised Draft Program EIR related to land use. More detailed information and analysis related to parking, historic structures, noise and vibration, and community cohesion impacts and mitigation measures will be included in project-level environmental documents. See Standard Response 3.

Comment Letter L011 (Jack Matthews, City of San Mateo Office of the Mayor, April 26, 2010)

L011

OFFICE OF THE MAYOR



330 West 20th Avenue
San Mateo, California 94407-1388
Telephone: (650) 522-7048
FAX: (650) 522-7041
TDD: (650) 522-7047
www.cityofsanmateo.org

April 26, 2010

Dan Leavitt
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Re: **Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments**

Dear Mr. Leavitt:

The City of San Mateo has reviewed the Bay Area to Central Valley Revised Draft Program-level Environmental Impact Report (EIR) material. We have the following comments:

1. *The Authority plans to avoid creating adverse impacts for freight operations when designing the high speed train alignments. The City of San Mateo requests that the Authority not preclude alternative alignments solely to accommodate the freight operations. The City prefers the tunnel or cut and cover alignment through the City's downtown area which may not be compatible with freight operations using diesel locomotives. The Revised Draft Program EIR should include evaluation on modifications to the UPRR's operations, including use of electrified locomotion for the freight operations, so the underground alignment can remain a viable option for the Peninsula.*
2. *The City understands that the secondary environmental impacts, such as property acquisition, visual, noise and vibration, from mitigating effects on UPRR freight operations will be further refined as part of the project-level design and analysis. The City requests that the analysis on property acquisition impacts not be limited to the displacement and relocation of businesses and residences; but to also include the impacts on properties that will front the railroad after the right-of-way acquisition.*
3. *The City also requests that future environmental analysis on visual, noise and vibration impacts should take into consideration not only existing conditions, but also approved projects along the train corridor. The City of San Mateo approved the Bay Meadows Phase II Specific Plan Amendment in 2005, which allows for an 83-acre mixed-use transit-oriented development project. The development includes a number of high rise office buildings planned for construction adjacent to the tracks. There are concerns that noise created by high speed rail could reverberate off these high rise buildings and project onto the hillside, resulting in a negative noise impact.*

L011-1

L011-2

L011-3

Dan Leavitt
April 26, 2010
Page 2 of 2

We appreciate the opportunity to review the draft program-level EIR. Please contact Larry Patterson, Director of Public Works at (650) 522-7303 or via email lpatterson@cityofsanmateo.org if you have any questions or need additional information.

Sincerely,

Jack Matthews
Deputy Mayor

c: Honorable Mayor and Members of the City Council
Susan M. Loftus, City Manager
Larry Patterson, Director of Public Works
Ron Munkawa, Chief of Planning
Chron/File

Q:\pw\PW\ENG\Chan-S\High Speed Rail\Comments on program EIR.doc

Response to Letter L011 (Jack Matthews, City of San Mateo Office of the Mayor, April 26, 2010)

L011-1

The 2008 Final Program EIR and 2010 Revised Draft Program EIR Material assume that freight operations on the Peninsula would be served by UPRR with their current diesel locomotives. The current program level alignment in San Mateo is an elevated alignment that would be capable of serving HST, Caltrain and UPRR operations. In the project level evaluation, the Authority will evaluate design options for the Peninsula and specifically San Mateo that include below grade options. However, the project level evaluation will have to assume that UPRR will continue to use diesel locomotives for serving the Peninsula. At the time of writing this document, there is no stated desire by UPRR to change its operating practices to include the use of electric powered locomotives on the Peninsula.

L011-2

See Standard Response 7.

L011-3

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Cumulative impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.17, discusses cumulative impacts and mitigation strategies at the program level including the Caltrain, roadway, and development projects along the HST alternatives. More detailed analyses related to cumulative impacts, including noise, will be performed during the project-level EIR/EIS analysis, when more detailed project information is available for the selected HST alignment. The cumulative project list will be updated as part of the project-level EIR/EIS.

Comment Letter L012 (Carlos de Melo, City of Belmont Community Development Department, April 26, 2010)

L012

Kris Livingston

From: Carlos de Melo [cdemelo@belmont.gov]
Sent: Monday, April 26, 2010 4:22 PM
To: HSR Comments
Subject: City of Belmont Comments - Revised Draft Central Valley to Bay Area High Speed Rail (HSR) Program EIR/EIS
Attachments: Belmont Comment Letter - HSR EIR-EIS - 4-26-10.pdf

See attached.

Please get back to me with any questions.

Thanks,

Carlos de Melo
 Community Development Director
 City of Belmont
 One Twin Pines Lane, Suite 110
 Belmont, CA 94002
 (650) 595-7440 - direct line
 (650) 637-2983 - fax
cdemelo@belmont.gov



April 26, 2010

Community Development Department
 Planning Division
 (650) 595-7417

Mr. Dan Leavitt, Deputy Director
 California High Speed Rail Authority
 925 L Street, Suite 1425
 Sacramento, CA 95814

RE: **City of Belmont Comments**
Revised Draft Central Valley to Bay Area High Speed Rail (HSR)
Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS)

This letter transmits the comments of the City of Belmont for the Revised Draft Central Valley to Bay Area High Speed Rail (HSR) Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

Scoping Comments for Requested Study in Project EIR/EIS

The California HSR project will have a significant impact on the City of Belmont. The selected HSR alignment along the current Caltrain right-of-way is located in the eastern portion of the City and provides a clear demarcation of the City from east to west. It is important that the HSR project include urban design and engineering solutions to minimize impacts and potentially reduce community divisions or barriers.

L012-1

The City of Belmont requests the CAHSRA address the following issues to be included in the Draft Central Valley to Bay Area High Speed Rail (HSR) Program EIR/EIS.

L012-2

Creek Impacts

- Evaluate impacts on Belmont Creek with regard to riparian habitat and creek flows.

Economic Impacts

- Evaluate economic impacts to Belmont business areas (Ralston Avenue, Old County Road, Alameda De Las Pulgas, and El Camino Real Corridors) that may occur both during construction due to reduced access or traffic detours and after construction.
- Address impacts to Belmont's tax base during and after construction resulting from the HSR Project.

L012-3

L012-4

Comment Letter L012 - Continued

City of Belmont
Comments on Revised Draft Central Valley to Bay Area High Speed Rail (HSR)
Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS)
April 26, 2010
Page 2

Historic/Cultural Resources

- A current empty lot at 700 Old County Road (northwest corner of Old County Road and Ralston Avenue) contains historically sensitive items from the old "Angelo's Corners" of the 1850's; any construction in close proximity to this area could destroy historic artifacts. Redevelopment of this corner envisions an open plaza to protect this historically sensitive area. Address appropriate historic resource treatment of this area in conjunction with the HSR project. L012-5
- Evaluate the impact on historic structures/sites listed in the City of Belmont's Historic Inventory – 1993. Identify alternatives that would avoid or minimize project impacts on identified historic structures or areas. L012-6

Land Use Issues and Urban Design

- Evaluate the potential impacts of associated land development and/or parking resulting from the construction of the HSR facilities. This should include working with City of Belmont staff to define a range of land use scenarios that might be generated from the project, including the potential to sell air rights for development above an underground rail option. Other impacts to be considered should include, but are not limited to, traffic and parking, visual resources, open space, and cultural/historic resources. L012-7

Noise Impacts

- The City of Belmont has adopted a Noise Ordinance (2006), in accordance with adopted goals and policies of the general plan which calls for *"a noise environment that maintains a healthy living environment; fosters relaxation and recreation; is conducive to the work environment; and provides pleasant living conditions. It is declared to be the policy of the city to protect the peace, health and safety of its citizens from unreasonable noise..."* This Ordinance also defines maximum allowable decibel limits within the City both during construction and in everyday operational capacities. Please evaluate the HSR project for consistency/compliance with the City's Noise Ordinance. L012-8
- The Revised Draft EIR/EIS does not include noise/vibration analyses to inform Belmont of negative impacts to the community. Evaluate how noise levels would vary with different vertical track alignments (i.e. tunnel, trench, track at grade, elevated track) and consider methods to reduce those impacts. Evaluate the impact on adjacent properties caused by vibrations associated with each construction method and mitigations to reduce those impacts. L012-9

Private/Public Property Impacts

- Evaluate the impacts of loss of real property values of adjacent and nearby properties due to the project. The analysis should consider the impacts of noise, vibration, increased L012-10

City of Belmont
Comments on Revised Draft Central Valley to Bay Area High Speed Rail (HSR)
Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS)
April 26, 2010
Page 3

daily trains, visual impacts of elevated structures, quality of life, changes to circulation and access associated with the project. L012-10 cont.

- Analyze construction techniques that reduce construction and excavation impacts to adjacent properties. L012-11
- The EIR/EIS analyzes impacts up to 50 feet from the HST corridor. The EIR/EIS should assess aesthetics, visual, noise, and vibration impacts to public/private property a greater distance east/west than currently outlined in the study. L012-12

Public Services/Utilities

- Evaluate the HSR electrification impact on 1) Belmont utility rates, and 2) the City's current P.G.E. substation (which may be outdated and has provided inadequate and non-timely service restoration during power outages). L012-13
- Belmont is approximately 40% complete with a full utility undergrounding project (via PG&E Rule 20A Funds) along the entire length of Old County Road within the City. Evaluate the resulting impact of the HSR project on the *Old County Road Undergrounding Project*. L012-14

Rail Alignment, Profile, and Right-of-Way

- The EIR/EIS should provide a complete analysis of all linear rail corridor elevation options including at-grade, elevated, or depressed including open trench and tunneling. All options, particularly the tunneling option, should be evaluated to the same level of detail as the elevated track proposal. The tunneling/underground option would significantly reduce/ameliorate many visual and aesthetic impacts associated with the project as related to adjacent land uses within the community. L012-15
- Evaluate alternatives that would eliminate or substantially minimize the need to acquire additional right-of-way. L012-16
- The negative visual appearance of potential overhead electrical power systems for the HST including but not limited to: wires, mast arms, and support poles continues raise significant concerns. Evaluate all feasible train technologies to eliminate overhead construction of these electrical systems in Belmont (if applicable) and along the Caltrain corridor, including use of a third rail technology. L012-17

Traffic Circulation

- Analyze the full traffic circulation, safety, emergency response and economic impacts of any proposed closures of existing at grade crossings. L012-18

Comment Letter L012 - Continued

City of Belmont
 Comments on Revised Draft Central Valley to Bay Area High Speed Rail (HSR)
 Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS)
 April 26, 2010
 Page 4

- Analyze traffic impacts to City streets affected during construction, and specifically identify any streets that would be detoured or closed during construction or permanently as part of the project. | L012-19

Trees and Vegetation

- Analyze and mitigate the impacts of loss (removal or trimming) of significant trees and vegetation screening along the Caltrain right-of-way. | L012-20

Visual Impacts

- Analyze how visual impacts would vary with different vertical track alignments and identify ways to reduce visual impacts to the community. | L012-21
- Evaluate incorporating new and upgraded auto/pedestrian/bicycle grade separations of the railroad at the Ralston Avenue and Harbor Boulevard Intersections (due to potential clearance issues). Evaluate the effect of the HSR project on bike lanes that serve east-west traffic in the City. | L012-22
- The EIR/EIS should analyze how the project when built and during construction would impact access on CalTrain, Samtrans and other local bus and shuttle services within Belmont. | L012-23

The City of Belmont appreciates the opportunity to provide these comments on the Revised Draft Central Valley to Bay Area High Speed Rail (HSR) Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS). | L012-24

The City looks forward to working with CAHSR staff on an ongoing basis to review alternatives, impacts and mitigation measures for the project in Belmont.

If you have any questions about this letter, feel free to contact me at (650) 595-7440 or cdemelo@belmont.gov.

Sincerely,



Carlos de Melo
 Community Development Director

Response to Letter L012 (Carlos de Melo, City of Belmont Community Development Department, April 26, 2010)

L012-1

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. In addition, construction of grade separations where none previously existed would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. There is the potential for temporary impacts to occur during construction including noise, air quality (dust), visual quality, and traffic/circulation. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detailed studies necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

L012-2

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hydrology and water resources was not one of those topics. Please see Chapter 3.14 of the 2008 Final Program EIR. Program-level impacts and mitigation strategies for streams and riparian habitats were discussed in the 2008 Final Program EIR, Chapter 3.14, Hydrology and Water Resources and 3.15, Biological Resources and Wetlands. More detailed analyses will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. See also Standard Response 3.

L012-3

See Standard Response 6.

L012-4

See Standard Response 6.

L012-5

The revised project description between San Jose and Gilroy would not result in changes to the discussion of cultural resources beyond what was identified in the 2010 Revised Draft Program EIR Material related to Keesling's shade trees. The analysis for cultural resources is included in the May 2008 Final Program EIR, Chapter 3.12, Cultural Resources and Paleontological Resources. A records search and surveys to identify historic resources will be conducted as part of the project-level EIR/EIS. Under Section 106 of the National Historic Preservation Act (36 CFR § 800), the procedures to be followed at the project level include identification of resources, evaluation of their significance under the National Register of Historic Places and CEQA, identification of any substantial adverse effects, and evaluation of potential mitigation measures. Specific resources within the Area of Potential Effects will be further examined in detail at the project level because the identification of potentially affected resources and project effects and mitigation are dependent on the HST location and system design, and can only be done at the project level. See Standard Response 3 and Response to Comment L003-79.

L012-6

See Responses to Comments L012-5 and L003-79.

L012-7

See Standard Response 3. Because this is a program-level document, the analysis considered the potential for land use and planning impacts on a broad scale. Potential project-level impacts

on land use, planning and development will be addressed in the project-level EIR/EIS.

L012-8

See Standard Response 5.

L012-9

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. The noise analysis in the 2008 Final Program EIR was not one of those topics. Please see Chapter 3.4 of the 2008 Final Program EIR. More detailed information and analysis of noise and vibration impacts on sensitive receptors and mitigation measures will be part of a project-level EIR/EIS because the determination of impact is a product of the HST system design and can only be done at the project level. The project-level EIR/EIS would look at noise and vibration effects of various profiles including at-grade, elevated, trench, and tunnel. See also Standard Response 3.

The noise and vibration analysis in the 2008 Final Program EIR identified potential noise and vibration impacts on sensitive receptors or receivers, such as residences areas, schools, hospitals, and parklands. Chapter 3.4 also discusses the potential benefits of adding grade separations for existing railroads. Because this is a program-level environmental document, the analysis of potential noise and vibration impacts broadly compares the relative differences in potential impacts between the alternatives and HST alignment options. General mitigation strategies are also discussed. See also Standard Response 5.

L012-10

See Standard Response 6 regarding property value.

L012-11

More detailed information and analysis of construction impacts and mitigation will be included in project-level EIR/EISs, including impacts. See Standard Response 3.

L012-12

Section 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the Revised Draft Program EIR Material and Section 3.7 of the May 2008 Final Program EIR discussed the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts analysis, the study area is narrower as noted above to better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3 of the May 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation.

L012-13

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Public utilities was not one of those topics. Please see Section 3.10 of the 2008 Final Program EIR. The program level environmental process does not evaluate impacts to existing infrastructure to this level of detail. The project level environmental process will provide a more detailed evaluation of impacts on existing infrastructure, but the HST is not anticipated to have an impact on utility rates or impact existing substations.

L012-14

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Public utilities was not one of those topics. Please see Section 3.10 of the 2008 Final Program EIR.

The program level environmental process does not evaluate impacts to existing infrastructure to this level of detail. The project level environmental process will provide a more detailed evaluation of impacts on existing infrastructure, including current projects. See also Standard Response 3 and Response to Comment L012-13.

L012-15

The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives is being carried forward in the project-level analyses. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas, if the Caltrain corridor is included in the network alternative ultimately selected by the Authority.

L012-16

See Response to Comment L012-15.

L012-17

See Response to Comment I053-7.

L012-18

Because this is a program-level document, the traffic analysis was conducted on a broad scale. Project-specific effects as a result of potential grade crossing closures will be evaluated at the project-level. Also see Standard Responses 2 and 3.

L012-19

More detailed information and analysis of construction impacts and mitigation will be included in project-level EIR/EISs, including impacts related to construction staging areas, detours, and other construction-related requirements. See Standard Response 3.

L012-20

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Removal of mature trees and other vegetation along the Caltrain corridor would be avoided to the extent possible. Operational and construction impacts including those related to the removal of trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detailed studies necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

L012-21

Through Belmont, the 2008 Final Program EIR analyzed an HST alignment at the same grade as the existing Caltrain alignment. This contributed to a visual impact rating of "low", as the addition of the HST tracks would be similar to the already-existing Caltrain infrastructure. Analysis of different vertical alignments will be undertaken as part of the project-level EIR/EIS.

L012-22

Project-specific analyses of circulation, traffic, transit, parking and temporary construction impacts will be conducted in the project-level EIR/EIS for the station areas, access roads, and other facilities that might be affected by the proposed HST station. This will be documented in a Traffic, Transit, Circulation and Parking Report. The project-level traffic impact analysis study will also evaluate the effect of the project and project construction on existing and planned pedestrian and bicycle facilities. Potential impacts on pedestrian and bicycle connections to and across HST facilities will be analyzed. Potential impacts to pedestrian and bike facilities and feasible mitigation measures will be documented in the Traffic, Transit, Circulation and Parking Report.

L012-23

Regional connectivity of HST and potential impact on other transit services will be discussed in project-level EIR/EIS. Impacts to transit including potential for inadequate capacity of feeder bus service, potential for traffic congestion from project to disrupt or delay bus service that serve or run near stations or other transit operations will be evaluated. Potential impacts of project construction on transit service will also be evaluated in detail.

L012-24

Comment acknowledged.

Comment Letter L013 (George Dondero, Santa Cruz County Regional Transportation Commission, April 22, 2010)

L013

Kris Livingston

From: Luis Mendez [lmendez@scrtc.org]
Sent: Friday, April 23, 2010 1:10 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments
Attachments: SKMBT_C55010042309210_Part1.pdf

Dear Mr. Leavitt,

Attached is a scanned copy of a comment letter on the revised EIR for the high speed rail segment from the Central Valley to the Bay Area. The comments express support for the Pacheco Pass alternative. The original letter was mailed this morning.

Sincerely,
 Luis Mendez

 Luis Pavel Mendez, Deputy Director
 Santa Cruz County Regional Transportation Commission
 1523 Pacific Avenue, Santa Cruz, CA 95112
 General #: (831) 460-3200; Direct #: (831) 460-3212
 Mobile #: (408) 838-2392; Fax #: (831) 460-3215
 Email: lmendez@scrtc.org



SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION
 1523 Pacific Ave., Santa Cruz, CA 95060-3911 • (831) 460-3200 fax (831) 460-3215 email: info@scrtc.org

April 22, 2010

Curt Pringle, Chair
 California High Speed Rail Authority
 925 L Street, Suite 1425
 Sacramento, CA 95814

RE: Support for the Pacheco Pass Alternative for the California High Speed Train between the San Francisco Bay Area and the Central Valley

Dear Chair Pringle,

The Santa Cruz County Regional Transportation Commission (SCRTC) has considered the two potential High Speed Rail alignments between the Bay Area and the Central Valley. The SCRTC supports the Pacheco Pass alignment and encourages your selection of Pacheco Pass as the preferred alignment.

As one of the largest projects that California has ever undertaken it will have environmental impacts regardless of the alternative selected. However, the Pacheco Pass alternative offers greater overall service to the San Francisco Bay Area and the Monterey Bay Region including:

- Service to the Monterey Bay Region through a station at Gilroy,
- Connection at the Gilroy station to planned passenger train service extension to Monterey County,
- Connection at the Gilroy station to the planned Coast Daylight intercity service,
- Faster service between the San Francisco Bay Area and Los Angeles, and
- Greater overall ridership.

Thank you for the opportunity to comment on this very important project. If you have any questions or comments, please feel free to contact me (831-460-3202 or gdondero@scrtc.org) or Luis Mendez of my staff (831-460-3212 or lmendez@scrtc.org).

Sincerely,


 George Dondero
 Executive Director

\\rcserv2\shared\CORRESP-Outgoing\20100410\ISRPacheco\pass0410.doc

cc: Joe Simitjan, 11th Senate District
 Bill Monning, 27th Assembly District
 Carl Guardino, Silicon Valley Leadership Group
 Debbie Hale, Transportation Agency for Monterey County
 Abel Maldonado, 12th Senate District
 Ana Caballero, 28th Assembly District
 Michael Burns, Valley Transportation Authority

L013-1

Response to Letter L013 (George Dondero, Santa Cruz County Regional Transportation Commission, April 22, 2010)

L013-1

Comment of support is acknowledged.

Comment Letter L014 (Celia Aceves, Modesto Irrigation District Water and Power, April 22, 2010)



L014

1231 Eleventh St.
P.O. Box 4060
Modesto, CA 95352
(209) 526-7373

April 22, 2010

California High-Speed Rail Authority
Attention: Dan Leavitt
925 L Street, Suite 1425
Sacramento, CA 95814

RE: Bay Area to Central Valley High Speed Train Project
Location: Various sites between the Bay Area and Valley.

Dear Mr. Leavitt:

Thank you for allowing the District to comment on this referral. Following are the recommendations from our Risk & Property, Electrical, Irrigation and Domestic Water Divisions:

Irrigation/Domestic Water/Risk & Property

- No comments at this time.

Electrical

- The MID Electric Division does not have any comments at this time.

The Modesto Irrigation District reserves its future rights to utilize its property, including its canal and electrical easements and rights-of-way, in a manner it deems necessary for the installation and maintenance of electric, irrigation, agricultural and urban drainage, domestic water and telecommunication facilities. These needs, which have not yet been determined, may consist of poles, crossarms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, control structures and any necessary appurtenances, as may, in District's opinion, be necessary or desirable.

If you have any questions, please contact me at 526-7433.

Sincerely,

Celia Aceves
Risk & Property Analyst

Copy: File

ORGANIZED 1887 • IRRIGATION WATER 1904 • POWER 1923 • DOMESTIC WATER 1994

Response to Letter L014 (Celia Aceves, Modern Irrigation District Water and Power, April 22, 2010)

L014-1

Comment acknowledged.

Comment Letter L015 (Carol Anne Painter, Santa Clara Planning Division, April 23, 2010)

L015

Kris Livingston

From: Payal Bhagat [PBhagat@SantaClaraCA.gov]
Sent: Wednesday, April 28, 2010 8:56 AM
To: HSR Comments
Cc: Gustavo Gomez
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments from City of Santa Clara
Attachments: City of Santa Clara response to HSR Program EIR-EIS.pdf

Hello Mr. Leavitt,
 Thank you for including the City of Santa Clara in the review of the Draft Program Environmental Impact Report for the Bay Area to Central Valley High Speed Train Project. Please find the attached comment letter. A hard copy of the letter will be mailed to you.

Please do not hesitate to contact me for any questions.

Thank you again for including City of Santa Clara in the review process for the Draft Program Environmental Impact Report/Environmental Impact Statement for the Bay Area to Central Valley High-Speed Train (HST) Project. We reserve the option to provide additional comments through the public review process for this project. We look forward to working with you in the future.

Regards,
 Payal Bhagat
 Assistant Planner II / Planning Division
 (408) 615.2450 / FAX (408) 247.9857
www.santaclaraca.gov
pbhagat@santaclaraca.gov

Think Green: Think before you print.

The information contained in this email may be privileged, confidential and exempt from disclosure under applicable law. The information is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, or are not the named recipient(s), please notify the sender immediately by reply email and delete this message from your computer. Thank you.

1

S
A
N
T
A
C
L
A
R
A
C
I
T
Y



Planning Division

April 23, 2010

Dan Leavitt
 California High-Speed Rail Authority
 925 L Street, Suite 1425
 Sacramento, CA 95814

RE: Draft Program Environmental Impact Report/Environmental Impact Statement – Bay Area to Central Valley High-Speed Train (HST)

Dear Mr. Leavitt,

Thank you for including the City of Santa Clara in the review of the Draft Program Environmental Impact Report for the Bay Area to Central Valley High Speed Train Project. The Planning Division and the Engineering Division have reviewed the document and have the following comments:

Planning Division

- On page 3.7-5, bullet 3.7.2 under Study Area Defined states “For the property impacts analysis, the study area is narrower – 50 ft (15m) on either side of the alignment centerlines...” We feel that 50 ft on either side of the centerline of the proposed alignment will not capture sufficient area for you analyze the effects of the proposed High Speed Train on land use changes, patterns of development, or socioeconomic conditions. Please expand the study area to 300 ft on either side of the alignment centerline. L015-2
- On page 3.7-7, bullet 3.7.2 (B) under Existing Land Uses – Dumbarton to San Jose states “Through the City of Santa Clara, the adjacent uses consist of mixed use, moderate-density residential, office/research and development, and medium density residential.” Because the preferred High Speed Train alignment abuts to single family residential properties as well, please add single family residential to the list of existing land use. L015-3
- On page 3.12-26, bullet 3.12.6 (B) under Historic Properties/Resources, as part of the mitigation measure for preservation of historic properties along the proposed High Speed Train alignment, please add provision where the lead agency, local jurisdiction, and State Office of Historic Preservation enter into a Programmatic Agreement or Memorandum of Understanding stating the treatment plan describing methods for the preservation, stabilization, shoring/underpinning, and monitoring of historic buildings, structures, and objects. L015-4

1500 Warburton Avenue
 Santa Clara, CA 95050
 (408) 615-2450
 FAX (408) 247-9857
www.santaclaraca.gov




Comment Letter L015 - Continued

Engineering Department

- | | |
|---|--------|
| <ul style="list-style-type: none"> On page 2-G-2, section 2-G.1.1.1, Station Location, under Santa Clara: states "Because the downtown San Jose (Diridon) station site would provide sufficient connectivity to San Jose airport for the foreseeable future, the Authority has determined that the HST system would have no HST station at Santa Clara." Please explain how the connectivity from the San Jose High Speed Train Station to the San Jose Airport would be accomplished? | L015-5 |
| <ul style="list-style-type: none"> On page 3.10-A-1, section 3.10-A-1.1.3, Wastewater Treatment and Water Service, City of Santa Clara is not recognized as one of the cities having wastewater treatment and water services in the vicinity of the study area. Please add the City of Santa Clara to the list. | L015-6 |
| <ul style="list-style-type: none"> On page 35, section 4.9, Public Utilities (Section 3.10), under Impact 1. Conflict with Utilities, first paragraph states "The evaluation considered three of the most common major facilities that may pose construction challenges as representative utility conflicts: electrical transmission lines, and natural gas facilities." Please add the name of the third facility to the list. | L015-7 |

<p>Again, thank you for including the City of Santa Clara in the review process for the Draft Program Environmental Impact Report/Environmental Impact Statement for the Bay Area to Central Valley High-Speed Train (HST) project. We reserve the option to provide additional comments through the public review process for this project. We look forward to working with you in the future.</p>	L015-8
---	--------

Sincerely,



Carol Anne Painter
City Planner

Cc: Kevin Riley, Director of Planning and Inspection
Rajeev Batra, Director of Public Works/City Engineer

C:\Documents and Settings\pbhagat\Local Settings\Temporary Internet Files\OLK35\CSC response to HSR Program EIR-EJS.doc

Response to Letter L015 (Carol Anne Painter, Santa Clara Planning Division, April 23, 2010)

L015-1

Comment acknowledged.

L015-2

See Standard Response 3. Because this is a program-level document, the analysis considered the potential for property impacts on a broad scale. Potential project-level impacts on property will be addressed in the project-level EIR/EIS.

L015-3

"Single-family residential" has been added to text in the Revised Final Program EIR.

L015-4

See Response to Comment L003-79. The Authority, FRA, and the SHPO will continue to coordinate as the project moves into project-level analysis. This may include the preparation of a Programmatic Agreement for the entire program and/or Memorandum of Agreements (MOAs) for specific project sections. Both of these will be evaluated and, if identified to be appropriate, will be prepared in accordance with Section 106 of the National Historic Preservation Act at the project-level by the Authority and the FRA in consultation with the SHPO.

L015-5

Connectivity from Diridon station to San Jose Mineta International Airport was discussed on Page 8-21 of the 2008 Final Program EIR. Connection between Diridon Station and the airport is currently served by a light rail connection combined with a free airport shuttle service.

"Diridon Station is the preferred HST station location option for downtown San Jose and the Southern Bay Area, serving Caltrain, ACE Commuter Rail, the Capitol Corridor, Amtrak long distance

services, VTA buses and light rail, and a possible future link to BART (from Fremont). Diridon Station is a multi-modal hub that maximizes connectivity to downtown San Jose, San Jose International Airport (Diridon Station is just over 3 miles from San Jose International Airport and the City of San Jose expects there will be a direct local rail line connecting these to two major transportation hubs), and the southern Bay Area, and would have high ridership potential. The Authority has identified the Diridon Station as the preferred HST station location option for San Jose and the southern Bay Area. Diridon Station is favored by the City of San Jose and the Valley Transportation Authority (VTA)."

L015-6

Comment acknowledged. This change will be provided as part of the addendum to the Revised Final Program EIR.

L015-7

Comment acknowledged. This change will be provided as part of the addendum to the Revised Final Program EIR.

L015-8

Comment acknowledged.

Comment Letter L016 (Chris Barton, East Bay Regional Park District, April 19, 2010)

L016

Kris Livingston

From: Chris Barton [cbarton@ebparks.org]
Sent: Monday, April 19, 2010 2:26 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments
Attachments: EBRPD Comments on Revised PDEIR with attachments.pdf

Pease find attached East Bay Regional Park District comments on the above referenced project.



Chris Barton
 Senior Planner | Environmental Programs
 East Bay Regional Park District
 2950 Peralta Oaks Court, Oakland, CA 94605
 Tel: 510-544-2627 | Fax: 510-569-1417
 cbarton@ebparks.org | www.ebparks.org

STATEMENT OF CONFIDENTIALITY | This electronic message and any files or attachments transmitted with it may be confidential, privileged, or proprietary information of the East Bay Regional Park District. The information is solely for the use of the individual or entity to which it was intended to be addressed. If the reader of this message is not the intended recipient, you are hereby notified that use, distribution, or copying of this e-mail is strictly prohibited. If you received this e-mail in error, please notify the sender immediately, destroy any copies, and delete it from your system.

Please consider the environment before you print



April 19, 2010

Mr. Dan Leavitt
 California High Speed Rail Authority
 925 L Street, Suite 1425
 Sacramento, CA 95814

Subject: East Bay Regional Park District Comments on Revised Draft Program Environmental Impact Report (EIR) for Bay Area to Central Valley High Speed Rail Project.

Dear Mr. Leavitt,

Thank you for providing the East Bay Regional Park District ("District") with a copy of the Revised Draft Program EIR for the proposed Bay Area to Central Valley Rail Project ("Project"). The District previously provided comments on the California High Speed Rail Project Programmatic EIR/EIS and the Regional Rail Plan. We found these documents to not provide sufficient level of detail for us to understand and evaluate the project. Copies of our correspondence on these earlier projects are provided for your reference and incorporated herein.

The District owns or operates 65 regional parks and more than 1,100 miles of regional trails in Alameda and Contra Costa Counties. This encompasses more than 100,000 acres of public land. Impacts associated with acquiring and using property adjacent to Union Pacific Railroad right of way for the project concern us and should be avoided where our parks or adjacent open space may be impacted. As with the original Programmatic EIR/EIS prepared for the project, the Revised EIR does not provide sufficient information for us to understand how our facilities may be impacted.

We believe that programmatic analysis should identify parks and trails that may be affected by the project. This will help us understand and evaluate the project at a programmatic level. Foreseeable impacts to trails, active and passive forms of recreation and general operations of our facilities should be addressed in the Programmatic EIR and quantified in greater detail in subsequent project specific analysis.

L016-1

Board of Directors							
David Lerner President March 4	Stanley Noh Vice President March 6	Carol Soto Treasurer March 4	John Soto Secretary March 2	Shirley Thomas Voted	Joe Pridgen March 7	Raymond Joseph March 5	Dr. O'Brien Guarino's Message

Comment Letter L016 - Continued

As with previous comment letters, we call attention to five regional parks and eight regional trails that may be affected by the proposed Project. Potential impacts to these parks and trails should be identified and fully evaluated in the EIR/EIS.

Potentially affected Regional Parks:

- ☐ Brushy Peak Regional Preserve
- ☐ Shadow Cliffs Regional Recreation Area
- ☐ Pleasanton Ridge Regional Park
- ☐ Vargas Plateau Regional Park
- ☐ Quarry Lakes Regional Recreation Area

Potentially affected Regional Trails:

- ☐ Shadow Cliffs to Morgan Territory Regional Trail
- ☐ Shadow Cliffs to Del Valle Regional Trail
- ☐ San Joaquin County to Shadow Cliffs Regional Trail
- ☐ San Francisco Bay to San Joaquin River Regional Trail
- ☐ San Francisco Bay Ridge Regional Trail
- ☐ Alameda Creek Regional Trail
- ☐ Iron Horse Regional Trail
- ☐ San Francisco Bay Trail and local connections

Should you have questions regarding this letter, please contact me at (510) 544-2627.

Sincerely,



Chris Barton
Senior Planner

Attachments (2)

L016-1
cont.



October 16, 2007

Mr. Dan Leavitt
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Mr. David Valenstein
US Department of Transportation
Federal Railroad Administration
1120 Vermont Avenue N.W. M/S 20
Washington, DC 20590

Subject: Comments on DEIR/EIS for Bay Area to Central Valley High-Speed Train

Dear Messrs Leavitt and Valenstein,

Thank you for providing the East Bay Regional Park District ("District") with a copy of the Draft Program Environmental Impact Report/Environmental Impact Statement (DEIR/S) for the proposed Bay Area to Central Valley High-Speed Train ("Project"). This document covers the Bay Area portion of the proposed California High Speed Rail Project.

The District owns or operates 65 regional parks and more than 1,100 miles of regional trails in Alameda and Contra Costa Counties. This encompasses more than 97,000 acres of public land. The project maps in the DEIR/S do not show 62 of 65 regional parks or any of the regional trails owned or operated by the District.

We have identified that at least nine regional parks and eight regional trails may be affected by the Project. Of these public facilities, Pleasanton Ridge and Vargas Plateau Regional Parks, and Alameda Creek Regional Trail would be significantly impacted by the proposed Project. An additional three parks and one trail have the potential to be significantly impacted. Potential impacts to these public facilities are not identified, discussed or mitigated in the DEIR/S.

The District has taken no position on the proposed Project. However, we believe that the DEIR/S is inadequate because it fails to identify or mitigate potentially significant impacts to public parks and trails owned or operated by the District. And for these reasons, we believe that the DEIR/S does not comply with the California Environmental Quality Act, National Environmental Policy Act and the Department of Transportation Act. Attached are the District's comments on the DEIR/S and the Project's potential impacts to regional parks and trails.

Should you have questions regarding this letter, please contact me at (510) 544-2622.

Sincerely,



Brad Olson
Environmental Programs Manager

Attachments (3)

Approved Distribution							
John Olson Assistant Director	Ann Whelan Director M/S 15	Ben Davis Assistant Director M/S 9	David Salas Assistant Director M/S 14	Sherry Lynn Director M/S 9	John Jensen Director M/S 3	Sherry Lynn Director M/S 9	Paul G. Smith District Manager

Comment Letter L016 - Continued

CC. Steve Heminger, Metropolitan Transportation Commission
District Board of Directors
Pat O'Brien, General Manager
Robert E. Doyle, Asst. General Manager

bcc. Lloyd Wagstaff, The Nature Conservancy
Larry Tong

Comment Letter L016 - Continued

East Bay Regional Park District
Detailed comments on the Draft EIR/S for
the proposed Bay Area to Central Valley High-Speed Train
October 16, 2007

As stated in our cover letter to these comments, we believe that the DEIR/S is inadequate because 1.) it fails to identify and mitigate potentially significant impacts to public parks and trails, and 2.) it does not comply with the requirements of the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), and the Department of Transportation Act, Sections 4(f) and 6(f). The following comments describe how the DEIR/S does not adequately address impacts to public parks and trails, and how it does not comply with the requirements of CEQA, NEPA, DOT Act and associated regulations.

Potentially significant effects to regional parks and trails in the Project area

At least nine regional parks and eight regional trails may be impacted by the proposed project. This was determined by projecting the proposed rail alignments over existing base maps developed by the District for these parks and trails. These maps of District parks and trails are available of the Districts website www.ebnparks.org. Potential impacts to regional parks and trails are also identified and summarized in Table 1, which is attached to this letter

Pleasanton Ridge Regional Park: Construction of the Dumbarton-Fremont Central Park & Livermore UPRR Alignment would impact Pleasanton Ridge Regional Park, near the City of Pleasanton, in Alameda County. This 6,427 acre park would be impacted by construction and operation of approximately 4,000 feet of new railroad tunnel. In addition, there would likely be service vaults, ventilation shafts and emergency exits constructed on parkland, and maintenance easements over parkland to operate and maintain this tunnel. Potential construction impacts considered significant under CEQA and NEPA include tunnel boring, trucking of excavated materials, staging, light, noise, dust, loss of wildlife habitat, and disruption to park visitors and wildlife. Potential permanent impacts include loss of public parkland, plus impacts from night-time lighting, train noise at tunnel openings, and disturbances to park visitors and wildlife. See attached Figure 1 for more information on the location of the potential impacts to Pleasanton Ridge.

Vargas Plateau Regional Park: Construction of the Dumbarton-Fremont Central Park & Livermore UPRR Alignment and/or the Niles Subdivision Line to Interstate 880 Alignment would impact Vargas Plateau Regional Park, near the City of Fremont in Alameda County. This 1,030 acre park would be impacted by construction and operation of approximately 11,000 feet of new railroad tunnel. In addition, there would likely be service vaults, ventilation shafts and emergency exits constructed on parkland and maintenance easements over parkland to operate and maintain these railroad tunnels. Potential construction impacts considered significant under CEQA and NEPA include tunnel boring, trucking of excavated materials, staging, light, noise, dust, loss of wildlife habitat, and disruption to park visitors and wildlife. Potential permanent impacts include loss of public parkland, plus impacts from night-time lighting, train noise at tunnel openings, and disturbances to park visitors and wildlife. See Figure 1 for more information on the location of the potential impacts to Vargas Plateau.

Alameda Creek Regional Trail: This trail consists of eleven miles of Class I multi-modal trail and 27 acres of parkland and visitor facilities along both the north and south sides of Alameda Creek between Niles Canyon and Coyote Hills Regional Park. Construction of the Dumbarton-

Fremont Central Park & Livermore UPRR Alignment would appear to require a new bridge across Alameda Creek near the western end of Niles Canyon. Such a bridge would result in significant visual and noise impacts to park and trail users along Alameda Creek and Vargas Plateau. Further, it appears that a second bridge across Alameda Creek would be necessary for the Niles Subdivision Line to Interstate 880. This bridge would also cross over the Alameda Creek Trail. Potential construction impacts considered significant under CEQA and NEPA include tunnel boring in Niles Canyon, trucking of excavated materials, staging, light, noise, dust, loss of wildlife habitat, and disruption to park and trail users and wildlife. Potentially significant impacts could also include temporary closure of existing park and trail facilities for Project construction. There could also be permanent loss of open space, plus the addition of night-time lighting, train noise at tunnel openings and disturbances to park visitors, trail users and wildlife.

Additional trails are planned to connect Alameda Creek Trail to Garin Regional Park to the north and Vargas Plateau to the south, including completion of a three-mile key gap in the 54 mile Bay Area Ridge Trail across Niles Canyon. Possible conflicts between rail design and planned public access in Niles Canyon should also be fully evaluated and mitigated in the DEIR/S.

Highway 84 parallels Alameda Creek through Niles Canyon. It is a designated State Scenic Highway. Visual impacts to this Scenic Highway would be considered significant under CEQA. In addition, there are several existing aqueducts, rail lines and bridges running through or across Niles Canyon that might be adversely affected by the Project.

Purpose of an Environmental Impact Report

CEQA requires that an EIR provide sufficient analysis and detail about a project and environmental impacts of the project to enable informed decision-making by the CEQA Lead and Responsible agencies, and to provide for informed participation by the public. See CEQA Guidelines § 15151; *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692 (1990). Both the public and decision-makers need to fully understand the implications of the choices presented by the Project, mitigation measures and alternatives. See *Laurel Heights Improvement Ass'n v. Regents of University of California*, 6 Cal.4th 1112, 1123 (1993). The subject DEIR/S does not comply with the requirements of CEQA Guidelines § 15151.

As it relates to the Districts mission to provide for public open space, parks and trails, and in compliance with the requirements of CEQA, the DEIR/S should specifically state which parks (and trails) will be impacted by the proposed Project. These impacts can be identified now by overlaying the proposed rail routes on base maps showing all public parklands. Identification and evaluation of impacts to parks should not be deferred to a future Project-level environmental document. The number and location of potentially affected parks by route has been quantified in the DEIR/S. And while these parks are known to the authors of the subject DEIR/S, their specific names and locations have not been provided in the DEIR/S. Such an approach clearly violates the basic requirements of CEQA to provide for full disclosure of impacts, to enable informed decision-making and to provide for informed public participation in the review process.

The EIR/S at a minimum should contain a list or table with the specific names of all potentially affected parks by proposed route. The EIR/S should also contain programmatic impact analyses and mitigation measures for the project impacts to parks, such as permanent loss of parkland, constructive use, visual impacts, noise, etc. Such mitigation measures should also have specific performance criteria to demonstrate that the EIR/S complies with the requirements of CEQA, NEPA and DOT Act.

Comment Letter L016 - Continued

Purpose of an Environmental Impact Statement

Council of Environmental Quality NEPA regulations, 40 CFR 1502.1 "purpose" states (in part) that an Environmental Impact Statement "shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment". We could find no information in the DEIR/S providing a "full and fair discussion of significant environmental impacts" because the DEIR/S appears to have failed to identify potentially significant impacts to regional parks and trails owned or operated by the District.

Section 4(f) impacts to public parklands

Section 4(f) of the Department of Transportation (DOT) Act of 1966 (49 USC § 303) requires that impacts to public parklands must be evaluated to determine how they may be affected by a proposed project. This law requires that impacts to public parkland must be avoided unless there is no "prudent or feasible alternative" and that "the program or project includes all possible planning to minimize harm to the park, recreation area, or wildlife or waterfowl refuge of national, state, or local importance". We could find no discussion in the DEIR/S identifying Section 4(f) impacts to any of the regional park and trail facilities operated by the District.

The discussion in Section 3.16 of the DEIR/S (Affected Environment) identifies the number of potentially affected parks within close proximity to the various alternative rail alignments. This information is of little or no value in identifying the location of the potentially affected public parklands enumerated in the DEIR/S. As described above, it is clear that Pleasanton Ridge, Vargas Plateau and Alameda Creek Trail would be impacted by the proposed Dumbarton-Fremont Central Park & Livermore UPRR Alignment and/or the Niles Subdivision Line to I-880.

Section 6(f) impacts to public recreational lands

Several District regional parks, recreational areas and trails were acquired in part using grant funds obtained through the Land and Water Conservation Fund. Section 6(f) of the DOT Act of 1966 (49 USC § 303) "prohibits the conversion to a non-recreational purpose of property acquired or developed with these grants without the approval of the US Department of the Interior (DOI) National Park Service". Land and Water Conservation Funds were used to acquire portions of Pleasanton Ridge and Coyote Hills Regional Parks. As previously described in this letter, approximately 4,000 feet of tunnel would be constructed through Pleasanton Ridge. This would require use of recreational land for a "non-recreational purpose". Table 1 also identifies Coyote Hills as another potentially affected park. We could not tell from the project maps if the proposed project would require use of any parkland at Coyote Hills for the Project. The DEIR/S does not appear to document any consultation between the DOT and DOI regarding potential Section 6(f) impacts. The DEIR/S is deficient in this respect.

Consultation with other Federal Agencies with jurisdiction

Section 102 (C) of NEPA (42 USC § 4332) states that "prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impacts involved." We could find no information in the DEIR/S describing Section 6(f) consultation on impacts to public parks and recreational areas.

Table 1 – Potential High Speed Rail Project Impacts to Regional Parks and Trails

<u>Regional Parks</u>	<u>Right-of-Way Encroachment</u>	<u>Construction Noise</u>	<u>Operating Noise</u>	<u>Esthetics</u>
Brushy Peak *Potentially significant	None	Boring, excavation, trucking, etc*	Tunnel opening ~500 S of park, new station*	Greenville Road Station, lights, fences*
Shadow Cliffs	Unlikely	Track installation	~2,000 feet of track ~150 feet N of park	Lights, fences
Pleasanton Ridge *Significant	~4,000' of new tunnel, staging, maintenance easements*	Boring, excavation, trucking, etc*	Tunnel opening in or near park*	One tunnel opening, lights, fences*
Vargas Plateau * Significant	~11,000' of new tunnel, staging, maintenance easements*	Boring, excavation, trucking, etc*	Three tunnel openings in or near park*	Three tunnel openings, bridge, lights, fences*
Dry Creek/ Pioneer	None	Track installation	Minor	Minor
Garin	None	Track installation	Minor	Minor
Quarry Lakes *Potentially significant	Possibly for new tracks	Track installation	<100 feet E & S of park*	Bridge widening, lights, fencing
Coyote Hills	Possibly	Track installation, bridge	Minor	Minor
Middle Harbor *Potentially significant	Possibly for tunnel facilities	Tunnel construction*	Tunnel	Minor

Comment Letter L016 - Continued

Table 1 – Potential High Speed Rail Project Impacts to Regional Parks and Trails

Regional Trails	Right-of-Way Encroachment	Construction Noise	Operating Noise	Esthetics
Shadow Cliffs to Morgan Territory	~25' Crossing	Track installation	Minor	Lights, fences
Shadow Cliffs to Del Valle	None	Track installation	Minor	Lights, fences
San-Joaquin County to Shadow Cliffs	Potentially multiple crossings	Track installation	Minor	Lights, fences
Shadow Cliffs to Alameda Creek	~25' Crossing	Track installation	Minor	Lights, fences
Alameda Creek *Significant	Multiple crossings, possible closure*	Track installation, bridge(s) *	Tunnel openings above trail/park*	Lights, fences, bridge(s) *
Bay Ridge	~25' Crossing	Track installation	Minor	Lights, fences
Iron Horse	~25' Crossing	Track installation	Minor	Lights, fences
San Francisco Bay *Potentially Significant	Multiple crossings, possible closure*	Track installation	Minor	Lights, fences



August 28, 2007

Katie Balk
Regional Rail Project Offices
c/o BART, Kaiser Building
300 Lakeside Drive, 16th Floor
Oakland, CA 94612

Subject: Comments on the Draft Regional Rail Plan

Dear Ms. Balk,

Thank you for providing the East Bay Regional Park District ("District") with the notice of review for the Draft Regional Rail Plan ("Plan"). The District is very concerned that the Plan will have significant adverse impacts on approximately 24 regional parks and trails owned or operated by the District. We are especially concerned with the Department of Transportation Act Section 4(f) Impacts and Land and Water Conservation Act Section 6(f) impacts along the proposed I-80 and I-580/Tri-Valley Corridors.

The Plan states that "notable environmental concerns have been identified". Despite several requests, there has been no written information made available for public review that supports the statement or provides any substantial analysis of such impacts. The Plan should not be considered for approval until there is adequate opportunity for public review of the supporting information and impact analyses. The following are the District's comments on the Plan.

Goals

One of the goals for the Plan is to "create well-designed, walkable communities with a mix of transit services nearby". We suggest that this goal more explicitly state that "walkable communities" includes the use of regional trails to provide connection to rail corridors and nearby transit services. For example, some of the East Bay BART stations have existing connections to the Iron Horse Regional Trail, a multi-modal regional trail. These BART stations include Dublin, Walnut Creek, Pleasanton Hill and Concord. Other connections are planned for North Concord and West Dublin.

Use of Regional trails provides an alternative, non-motorized (i.e. pedestrians and bikes) means of access to BART stations that does not contribute to traffic congestion or air pollution, and decreases the demand for parking and fuel consumption. There are numerous other existing and planned trail connections to BART, including the San Francisco Bay and Delta-DeAnza Regional Trails. We strongly encourage that "rail connections to regional trails" be added as a goal for the Plan.

Table 1 of 10 - Draft EIR							
Table 1 of 10 - Draft EIR	Table 1 of 10 - Draft EIR	Table 1 of 10 - Draft EIR	Table 1 of 10 - Draft EIR	Table 1 of 10 - Draft EIR	Table 1 of 10 - Draft EIR	Table 1 of 10 - Draft EIR	Table 1 of 10 - Draft EIR

Comment Letter L016 - Continued

Alternatives

Based upon the proposed locations and descriptions for the Plan alternatives, there may be conflicts between the Plan and District park and trail facilities. Analysis of these alternatives should include potential impacts to District facilities that may be located in close proximity to proposed rail system improvements.

Interstate 80 Corridor: Rail improvements along the I-80 corridor north of Richmond have the potential to impact several regional parks and trails. The Plan should consider alternatives that avoid or minimize impacts to the following parks and trails:

- ☐ Point Pinole Regional Shoreline
- ☐ San Pablo Bay Shoreline
- ☐ Lone Tree Point
- ☐ Carquinez Strait Regional Shoreline
- ☐ Martinez Regional Shoreline
- ☐ San Francisco Bay Trail and local connectors
- ☐ Iron Horse Regional Trail
- ☐ Wildcat Creek Regional Trail
- ☐ Hercules to Briones Regional Trail
- ☐ Carquinez Strait to Briones Regional Trail

Interstate 580/Tri-Valley Corridor: Rail improvements along the I-580/Tri-Valley corridor from Altamont Pass to Interstate 80 via Niles Canyon (Highway 84) has the potential to impact several regional parks and trails. The Plan should consider alternatives that avoid or minimize impacts to the following parks and trails:

- ☐ Brushy Peak Regional Preserve
- ☐ Shadow Cliffs Regional Recreation Area
- ☐ Pleasanton Ridge Regional Park
- ☐ Vargas Plateau Regional Park
- ☐ Dry Creek/Pioneer Regional Park
- ☐ Quarry Lakes Regional Recreation Area
- ☐ Alvarado Wetlands (i.e. Eden Landing)
- ☐ Hayward Regional Shoreline
- ☐ Shadow Cliffs to Morgan Territory Regional Trail
- ☐ Shadow Cliffs to Del Valle Regional Trail
- ☐ San Joaquin County to Shadow Cliffs Regional Trail
- ☐ San Francisco Bay to San Joaquin River Regional Trail
- ☐ San Francisco Bay Ridge Regional Trail
- ☐ Alameda Creek Regional Trail
- ☐ Iron Horse Regional Trail
- ☐ San Francisco Bay Trail and local connections

Pacheco Pass Corridor: Some of the above parks and trails may also be affected by the Pacheco Pass alternative where it might require an expanded right-of-way along the East Bay Shoreline to Oakland.

All of these parks and trails are described in our 1997 Master Plan and associated maps. Maps of these parks and the District's Master Plan can be obtained from the District's website at <http://www.ebparks.org/>.

Mapping

Many of the figures provided in the Plan overlook a number of regional parks. Other regional parks which have been included on the maps are incorrectly labeled as federal lands. Many of the regional park boundaries shown on these exhibits are considerably out of date.

The District operates 65 regional parks (including three State parks) on over 97,000 acres of public parkland. Accurate mapping of these public lands is essential for a full disclosure and evaluation of project impacts, alternatives and mitigation measures for project impacts to public lands. Current boundaries and locations for regional parks and trails can be found on the District's website.

Thank you for the opportunity to comment on this important plan. Please call me at (510) 544-2622 should you have any questions regarding this letter.

Sincerely,



✓ Brad Olson
Environmental Programs Manager

cc. District Board of Directors
Pat O'Brien, General Manager
Robert E. Doyle, Assistant General Manager
Laura Thompson, ABAG Bay Trail

Response to Letter L016 (Chris Barton, East Bay Regional Park District, April 19, 2010)

L016-1

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Public parks and recreation was not one of those topics. Parks and recreational issues are discussed Chapter 3.16 Section 4(f) and 6(f) Resources (Public Parks and Recreation) of the 2008 Final Program EIR at an appropriate level for a program-level review. More detailed analyses related to impacts on recreational resources during construction and operation will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. See also Standard Response 3.

Comment Letter L017 (Richard Cline, City of Menlo Park, April 22, 2010)

L017**Kris Livingston**

From: Taylor, Charles W [CWTaylor@menlopark.org]
Sent: Thursday, April 22, 2010 6:33 PM
To: HSR Comments
Cc: Rojas, Glen; Steffens, Kent D; Jerome-Robinson, Starla L; Cline, Richard A; Dan Leavitt
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments
Attachments: City of Menlo Park comment on the Bay Area to Central Valley Revised EIR for the High Speed Rail 4-22-10.pdf; Attachment - Menlo Park Comments on High Speed Rail Draft EIR-EIS 9-25-07.pdf

Mr. Dan Leavitt,

I have attached the City of Menlo Park's official comments on the Bay Area to Central Valley Revised Draft Program EIR for the High Speed Rail project. The City's letter also includes an attachment which is also included in this email.

I am also mailing this letter as well as FAXing.

Please confirm receipt of the City of Menlo Park's comments via email.

Thank you,

Chip Taylor
 Transportation Manager
 City of Menlo Park

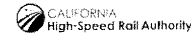
Kris Livingston

From: Dan Leavitt
Sent: Friday, April 23, 2010 7:56 AM
To: Taylor, Charles W; HSR Comments; 'Danae Aitchison'
Cc: Rojas, Glen; Steffens, Kent D; Jerome-Robinson, Starla L; Cline, Richard A
Subject: RE: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Chip,

Thank you. We have received your comments.

Dan Leavitt
 t: 916-322-1397
 e: dleavitt@hsr.ca.gov
www.cahighspeedrail.ca.gov



From: Taylor, Charles W [mailto:CWTaylor@menlopark.org]
Sent: Thursday, April 22, 2010 6:33 PM
To: HSR Comments
Cc: Rojas, Glen; Steffens, Kent D; Jerome-Robinson, Starla L; Cline, Richard A; Dan Leavitt
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Mr. Dan Leavitt,

I have attached the City of Menlo Park's official comments on the Bay Area to Central Valley Revised Draft Program EIR for the High Speed Rail project. The City's letter also includes an attachment which is also included in this email.

I am also mailing this letter as well as FAXing.

Please confirm receipt of the City of Menlo Park's comments via email.

Thank you,

Chip Taylor
 Transportation Manager
 City of Menlo Park

Comment Letter L017 - Continued

RICHARD CLINE
MAYOR

JOHN BOYLE
VICE MAYOR

ANDREW COHEN
COUNCIL MEMBER

HEYWARD ROBINSON
COUNCIL MEMBER

KELLY FERGUSSON
COUNCIL MEMBER

Building
TEL 650.330.6704
FAX 650.327.5403

City Clerk
TEL 650.330.6620
FAX 650.328.7935

City Council
TEL 650.330.6630
FAX 650.328.7935

City Manager's Office
TEL 650.330.2200
FAX 650.328.7935

Community Services
TEL 650.324.1721

Engineering
TEL 650.330.6740
FAX 650.327.5497

Environmental
TEL 650.330.6763
FAX 650.327.5497

Finance
TEL 650.330.6640
FAX 650.327.5391

Housing & Redevelopment
TEL 650.330.6706
FAX 650.327.1759

Library
TEL 650.330.2500
FAX 650.327.7030

Maintenance
TEL 650.330.6670
FAX 650.327.1953

Personnel
TEL 650.330.6670
FAX 650.327.5382

Planning
TEL 650.330.6702
FAX 650.327.1653

Police
TEL 650.330.6300
FAX 650.327.4314

Transportation
TEL 650.330.6770
FAX 650.327.5497



701 LAUREL STREET, MENLO PARK, CA 94025-3483
www.menlopark.org

April 22, 2010

California High Speed Rail Authority
Attn: California High Speed Train
Central Valley to Bay Area High Speed Rail Program EIR/EIS
925 L Street, Suite 1425
Sacramento, CA 95814

Subject: City of Menlo Park Comments on the Revised Draft Central Valley to Bay Area High Speed Rail Program EIR/EIS

Members of the Authority:

The City of Menlo Park has continued concerns that the revised EIR doesn't have sufficient information to fully evaluate and reach a conclusion regarding the optimal route into the Bay Area. The Authority should continue to make all efforts to analyze alternate routes and/or methods in order to avoid significant adverse impacts to the Peninsula area from the alignment of the High Speed Train (HST).

The Authority has indicated in the notice for comments on the EIR that responses are only required for those portions of the DEIR/EIS that it has modified since the prior circulation period. The City disagrees that this requirement fits within CEQA. Rather, the standard is that set in *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112. Under that standard, public comment must be allowed if there is new information or changed circumstances that have arisen since the EIR was last circulated, and that information/circumstances indicates that the project will have new or substantially increased impacts, or "if the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect." There have been several circumstances that justify comments beyond the changes the Authority has explicitly made in the EIR. These include, but are not limited to, new ridership information, updated Business Plan, and the potential issues related to the Union Pacific railroad and their rights to use the tracks.

L017-1

L017-2

The City of Menlo Park would continue to be directly affected by the project and several of the alternatives, whether through the Caltrain mainline or the Dumbarton Rail Corridor. Menlo Park has previously expressed its concerns related to the project and new rail activity on either of the two rail lines. The City's letter on the 2007 draft EIR for this segment is included as an attachment to this letter and should be considered by the Authority as part of the City's official comments on the current draft program EIR. In addition to the City's previous letter the City reiterates here that the following new and unresolved issues that need to be addressed when determining the most appropriate route:

L017-3

L017-4

1. Ridership Estimates – The Authority should ensure that the Program level studies use accurate, publicly available, peer reviewed models, coefficients, datasets, etc. in all ridership simulations and analyses. The effect of recent questionable coefficients within the business plan related to the ridership model should be clearly explained. Menlo Park asserts that the data used to drive the route and preferred alternate decisions was based upon older ridership data which may or may not have altered the outcome and thereby influenced one route over another. The EIR should explain in clear detail the data used to determine the routes and alternatives and how the recent ridership numbers impact the routes analyzed in the EIR.

L017-5

2. Financial analysis and Business Plan - The Authority should ensure that the Program level studies use accurate, publicly-available, peer-reviewed models, coefficients, datasets, etc. in its Business Plan and financial analyses.

L017-6

3. Route Alternatives – The Authority should analyze a broad spectrum of alternatives for connectivity from San Jose to San Francisco to fully understand the impacts. One specific alternative should be the continued analysis of terminating the HST project in either San Jose or Union City and connecting to an expanded, local transit network with time-coordinated connections. This analysis should include the possibility of sending some HSTs all the way to San Francisco on shared tracks with Caltrain, so that HST passengers would not have to change trains in San Jose or Union City. These train sets could run at speeds similar to the current Caltrain trains. The analysis should also include potential upgrades to the Caltrain line such as additional grade separations, track improvements (including widening to three and four tracks at strategic locations), station improvements, electrification, positive train control, etc. These types of alternatives would significantly reduce the impacts to the Peninsula and reduce project costs by avoiding duplication of

L017-7


Comment Letter L017 - Continued

<p>train services, while still providing a way to serve High Speed Rail and meeting the Proposition 1A's requirement to build a High Speed Rail line between San Francisco and Los Angeles.</p>	<p>L017-7 cont.</p>	<p>This particular alternative has another unique issue of creating a "wall effect" within the community and dividing the City.</p>	
<p>4. Vertical Alignment –Additional alternatives for construction of the HST underground through the Peninsula should be carefully studied and included in the document. This alternative would significantly reduce and/or eliminate many of the impacts associated with the system. The underground alternative could also be constructed in specific areas of greatest impact such as Menlo Park with narrow right-of-way and impacts to the overall character of the downtown. This alternative would also meet the goals of the HST by providing connectivity to San Francisco in a timely manner. The option of undergrounding both Caltrain and HST should be analyzed. The analysis should consider the positive environmental impacts of having all tracks underground, including effects on noise, vibration, aesthetics, property values, etc. With respect to financial feasibility, the air rights above a completely underground system could be sold to help offset the cost of the system with this alternative. Such uses could include linear parks, pedestrian and bicycle paths, bus rapid transit corridors, multi-unit housing, commercial development, etc.</p> <p>The EIR is lacking because it did not consider alternatives for vertical alignments. The EIR only included a slightly elevated track alignment. This lack of analysis does not provide a good understanding of the various alternatives that could be implemented to minimize the impacts created by the HST. A trench or tunnel alternative would lessen the impacts in the City, similar to the undergrounding alternative described in item # 1 above, but has not been evaluated.</p>	<p>L017-8</p>	<p>Grade separations are not identified in the EIR. The EIR should indicate which crossings are expected to be separated, and define whether each intersection is to be separated by underpasses or overpasses (presumably the vehicular and pedestrian traffic and not HST). Grade separations cause substantially more construction, surface disturbance, noise, air quality, aesthetics, and transportation conflicts. An elevated railway would be a significant change from the existing landscape, and could have significant impacts on neighboring communities. Project construction could have significant impacts, such as disruption of existing rail service and disruption of local business; these issues are not addressed in the EIR. These impacts must be analyzed for the CEQA document to be adequate.</p> <p>6. Historic Structure – The City of Menlo Park Caltrain station has been listed on the National Register of Historic Places since 1974. The impacts to the existing train station has not been analyzed in the EIR or fully discussed. The EIR should clearly analyze the impacts to this structure along with any other historic structure that may be impacted by the HST system.</p>	<p>L017-9 cont.</p> <p>L017-10</p>
<p>5. Grade Separation – The different potential routes from the Central Valley to the Bay Area would result in different locations for grade separations, which would likely have different levels of impact. The Program EIR/EIS provided little information regarding grade separations within Menlo Park and along the Peninsula. The EIR must analyze the need for new grade separations as it does, but also analyze the potential reconstruction or modification of current grade separations in Menlo Park and along the entire Peninsula that may not be suitable for HST. More thorough analysis of the potential impacts at each roadway crossing should have been included. Grade separations on the Caltrain mainline will create impacts because of the constrained nature of the development in Menlo Park as well as the presence of a historical structure. One likely alternative for grade separation would include raising the tracks.</p>	<p>L017-9</p>	<p>7. Electrification –The appearance of overhead electric power supply for the trains, including the wires, supporting poles, mast arms and insulations, is a matter of significant concern. Also, the electrification system should be compatible with the proposed Caltrain electrification such that two systems do not need to be constructed and maintained. The EIR needs to analyze the impacts associated with electrification of the system for all vertical and horizontal alignments including visual, tree impacts, etc. If the system becomes completely electrified, the EIR should consider the relative impacts of diesel VS. hybrid VS. all electric engines for freight trains running on the corridor.</p> <p>8. Noise and vibration mitigation – The revised EIR does not include any additional vibration analysis as requested in the Court's verdict. The impacts of vibration cannot be clearly understood without the required information. The additional noise and vibration caused by the HST needs to be clearly stated and addressed. Any noise and/or vibration impacts need to be mitigated as part of the project. Such measures should be included as integral components of the project. These measures should not create other impacts such as construction of a sound wall that might divide the City and adversely affect the residential character of the community.</p>	<p>L017-11</p> <p>L017-12</p>

Comment Letter L017 - Continued

<p>9. Freight – Menlo Park is concerned about freight traffic using either the Caltrain mainline or the Dumbarton Rail line and its impact on residents and traffic in the area. Since the rail lines will be grade separated, which allows for faster trains times and reduced vehicular and pedestrian conflicts, the lines would be more easily suited for freight traffic. This may lead to increased freight traffic on rail lines that currently have minimal freight traffic. The potential increase in freight is not only related to Caltrain's discussions with freight, but a function of the HST project due to amenities proposed as part of the HST project. A new San Francisco Bay crossing along the Dumbarton alignment may open this corridor up to freight traffic, which could substantially increase noise and vibration impacts to adjacent residential neighborhoods in Menlo Park. These potential impacts should have been studied so that mitigation measures could be developed.</p>	L017-13	<p>have a much wider reach and affect on properties further from the system. The EIR should clearly analyze the impacts to properties much further from the HST system. A minimum distance of 500' should be used in the analysis. But, the specific distance should be based on the increased impacts and how far they may reach and could vary based on terrain and the specifics of the area.</p>	L017-15 cont.
<p>10. Funding – The project intends to use State General Obligation bonds to fund the project. This funding method would create a long-term financial obligation that could impact existing State programs. The current information related to cost/benefit and fiscal impact analysis needs to be revised to provide a very accurate picture of the project. The current Business Plan for the project outlines several funding sources including federal grants and private investment. The federal funds have not been secured and a funding source for the private investment has not been identified. The private investment indicates that a guaranteed ridership would need to be included. This is contradictory to the Proposition 1A language that does not allow a public subsidy of the operation for the project. The Program EIR indicated that an annual ridership number of 88 million passengers was included for cost/benefit purposes. The current Business Plan indicates that the initial phase of the HST system would include 41 million passengers. Both of these estimates appear to be for the Bay Area segment. The apparent reduction in ridership indicated in the Business Plan should be utilized for the Program Level EIR to better understand the funding requirements of the project. The Authority has planned to partially fund segments of the HST system, while not funding the entire system. This funding arrangement does not fit within the requirement of Proposition 1A. A full funding plan with identified dedicated funding needs to be included in the EIR.</p>	L017-14	<p>12. Caltrain Service Levels – The EIR assumes two tracks for the HST that would be shared with Caltrain express service and two tracks for Caltrain local service and freight. A recent study on another section of the HST project indicated that the HST tracks could not be shared by another train service. If this is ultimately determined to be true for the Peninsula corridor, Caltrain service would be directly affected and its level of service would be diminished. The current number of tracks for the Peninsula has not been clearly analyzed including the level of service for Caltrain. A study that clearly identifies the required number of tracks for each system and whether the HST system can share tracks with Caltrain, given safety consideration and other factors, needs to be included in the report.</p>	L017-16
<p>11. Property Impacts – The EIR only analyzes the impacts to properties within 50 feet of the HST corridor. The impact due to the HST system such as noise, vibration, and aesthetics will</p>	L017-15	<p>13. Construction Impacts – The construction of the project would create many impacts within the City of Menlo Park. The construction of a shoofly tracks, traffic diversion, construction noise, etc. should all be analyzed and included in the EIR. The construction impacts and duration should be considered as part of the selection of the alternatives, since the construction will be of much longer duration than typical construction projects. These are not temporary impacts, but impacts that will affect residents and business for an extended period. The impact of the shoofly tracks on adjacent properties needs to be clearly analyzed and stated in the document including any mitigation measures. The shoofly tracks will likely affect traffic patterns, create additional noise for many residents and require acquisition of property. The affect of the construction on businesses needs to be clearly analyzed, both physical and financial. Many businesses cannot remain closed for extended periods and be viable. The affect on the businesses could create an economic impact on the City that needs to be clearly addressed in the EIR.</p>	L017-17
		<p>14. Eminent Domain – The project will require additional right-of-way for the various construction options as described in the more recent Alternatives Analysis. The Alternatives Analysis clearly indicates that the right-of-way requirements in Menlo Park for most of the alternatives that would reduce impacts will be greater than the available right-of-way. The acquisition of additional right-</p>	L017-18

Comment Letter L017 - Continued

<p>of-way by the Authority would likely require eminent domain in many cases. A clear analysis of the properties that will be affected by the need for additional right-of-way needs to be included in the EIR. Also, the EIR needs to include mitigation measures to eliminate the need for additional right-of-way or ways to preserve the full use of the properties and eliminating other environment impacts. These impacts are essential at the Program Level EIR stage to make an informed decision on the appropriate route for the system.</p>	<p>L017-18 cont.</p>	<p>stations. The EIR is inadequate because they are not identified or analyzed in the document. If the potential environmental impacts of these supporting facilities are not going to be addressed in the EIR, they should be identified, the typical effects explained, and should be addressed in detail in the forthcoming project-level engineering and environmental reviews.</p>	<p>L017-22 cont.</p>
<p>15. Union Pacific Trackage Rights – The Union Pacific Railroad currently has the contractual rights to intercity rail along the Caltrain corridor. An agreement with Union Pacific has not been reached for High Speed Rail to utilize the tracks for intercity rail. This information should be clearly analyzed and considered in the EIR for a determination on the route choice for this segment of HST.</p>	<p>L017-19</p>	<p>19. Other Environmental Impacts – The HST project will require the removal of trees, affect view corridors and grade separation will significantly impact local traffic circulation. The HST would also change the quiet residential neighborhood character of Menlo Park by introducing a train system that would not fit within the community. These issues need to be clearly understood prior to making a final decision on the best alignment for the project. The current program level EIR/EIS is not sufficiently detailed to allow those affected to understand the potential impacts before a final route is selected.</p>	<p>L017-23 L017-24 L017-25</p>
<p>16. Grade Separation Costs – The EIR is unclear as to how the costs for the grade separations along the system were estimated. The cost estimates should not only include crossings that are being converted from at-grade to grade separated (new grade separations), but also modifications to current grade separations and what costs and modifications are required. The total financial picture for the HST project is essential in effectively evaluating routing alternatives in the EIR.</p>	<p>L017-20</p>	<p>Finally, the City of Menlo Park would reiterate the concerns raised above and the fact that further information is necessary in order to make an informed decision on the appropriate route for HST to the Bay Area. While we understand that the nature of a "program" environmental document on a statewide project is inherently general, we wish to bring to your attention specific concerns of the City of Menlo Park that are not adequately addressed in the revised Draft EIR. The Authority has made it clear that it is unwilling to consider alternative routes in its project level EIR for the Peninsula Segment. Therefore, it is incumbent on the Authority to complete a more comprehensive analysis of the impacts with the Program EIR.</p>	<p>L017-26</p>
<p>17. Existing Crossings – The current pedestrian, bicycle and vehicular crossing of the current Caltrain tracks are essential for the movement of people and goods. The Authority needs to commit to maintaining all of the current crossings completely open with no closures. At a minimum, the crossings need to continue to operate with the same level and types of traffic as they do today. Beyond the current crossings, the Authority should resolve to increase connectivity across the railroad tracks with better crossings, and more pedestrian and bicycle crossings.</p>	<p>L017-21</p>	<p>The City expects to have these items addressed as part of the revised Final High Speed Rail Program EIR/EIS. The City will continue to participating in the EIR/EIS process to review any impacts and proposed mitigation measures within Menlo Park.</p>	
<p>18. Additional Facilities – The project description is essentially limited to the alignment of the track corridors and possible stations, but does not mention the additional support facilities, other than the maintenance facility, that would be needed. These additional support facilities would include layover facilities, turnouts, bridges, and tunnels, advanced signaling and communications systems, electrification facilities, station automobile parking structures, and the public open spaces needed to support the pedestrian traffic generated by the hub</p>	<p>L017-22</p>	<p>Sincerely,  Richard Cline Mayor</p> <p>Attachment: City of Menlo Park comment letter on the Central Valley to Bay Area High Speed Rail Program EIR/EIS dated September 25, 2007</p> <p>Cc: Members of the City Council Curt Pringle, High Speed Rail Authority Board Chairperson</p>	

Comment Letter L017 - Continued

Tom Umberg, High Speed Rail Authority Board Vice-Chairperson
 Quentin Kopp, High Speed Rail Authority Board Member
 Fran Florez, High Speed Rail Authority Board Member
 David Crane, High Speed Rail Authority Board Member
 Rod Diridon, High Speed Rail Authority Board Member
 Lynn Schenk, High Speed Rail Authority Board Member
 Russ Burns, High Speed Rail Authority Board Member
 Richard Katz, High Speed Rail Authority Board Member
 City Attorney
 Deputy City Manager

KELLY FERGUSSON
MAYOR
 ANDREW COHEN
MAYOR PRO TEM
 JOHN BOYLE
COUNCIL MEMBER
 RICHARD CLINE
COUNCIL MEMBER
 KEYWARD ROBINSON
COUNCIL MEMBER

Building
 TEL 650.330.6704
 FAX 650.327.5403

City Clerk
 TEL 650.330.6620
 FAX 650.328.7935

City Council
 TEL 650.330.6630
 FAX 650.328.7935

City Manager's Office
 TEL 650.330.6610
 FAX 650.328.7935

Community Services
 TEL 650.330.2200
 FAX 650.324.1721

Engineering
 TEL 650.330.6740
 FAX 650.327.5497

Environmental
 TEL 650.330.6763
 FAX 650.327.5497

Finance
 TEL 650.330.6640
 FAX 650.327.5391

**Housing &
Redevelopment**
 TEL 650.330.6706
 FAX 650.327.1759

Library
 TEL 650.330.2500
 FAX 650.327.7030

Maintenance
 TEL 650.330.6780
 FAX 650.327.1953

Personnel
 TEL 650.330.6670
 FAX 650.327.5382

Planning
 TEL 650.330.6702
 FAX 650.327.1653

Police
 TEL 650.330.6300
 FAX 650.327.4314

Transportation
 TEL 650.330.6770
 FAX 650.327.5497



701 LAUREL STREET, MENLO PARK, CA 94025-3483
 www.menlopark.org

September 25, 2007

California High Speed Rail Authority
 Attn: California High Speed Train
 Central Valley to Bay Area High Speed Rail Program EIR/EIS
 925 L Street, Suite 1425
 Sacramento, CA 95814

Subject: City of Menlo Park Comments on the Central Valley to Bay Area High Speed Rail Program EIR/EIS

Members of the Authority:

Thank you for the opportunity to review and comment on the EIR/EIS for the Central Valley to Bay Area segment of the High Speed Train (HST) system.

The City of Menlo Park appreciates the Authority's efforts to analyze alternate routes and/or methods in order to avoid significant adverse impacts to the Peninsula area from the alignment of the HST.

The City of Menlo Park would, however, be directly affected by several of the alternatives, whether through the Caltrain mainline or the Dumbarton Rail Corridor. Menlo Park previously has expressed its concerns related to new rail activity on either of the two rail lines and reiterates here that the following issues need to be addressed when determining the most appropriate route:

1. Alternatives – The Authority should continue to further analyze terminating the HST project in either San Jose or Union City and connecting to existing systems with time-coordinated connections, etc. Also, two additional alternatives should be carefully studied and included in the document. First, a route generally along the I-280 corridor from San Jose to San Francisco should be included. This route would have reduced impacts to many of the communities on the peninsula and should be carefully addressed. Second, construct the system underground through the peninsula. This would significantly reduce many of the impacts associated with the system. Also, the air rights above the system could be leased to offset the cost of the system with this alternative.

Attachment
to L017

Comment Letter L017 - Continued

Attachment
to L017Attachment
to L017

2. Grade Separation – The Program EIR/EIS provided little information regarding grade separations within Menlo Park. Grade separations on the Caltrain mainline will create impacts because of the constrained nature of the development in Menlo Park as well as the presence of a historical structure. One likely alternative for grade separation would include raising the tracks. This particular alternative has another unique issue of creating a “wall effect” within the community and dividing the City. A trench alternative would lessen the impacts in the City, similar to the undergrounding alternative described in item # 1 above. The City would also expect that any project level EIR/EIS’s would address and mitigate all the impacts of grade separation including, but not limited to, the economic impacts.

3. Electrification –The appearance of overhead electric power supply for the trains, including the wires, supporting poles, mast arms and insulations, is a matter of significant concern. Also, the electrification system should also be compatible with the proposed Caltrain electrification such that two systems do not need to be constructed and maintained.

4. Noise and vibration mitigation – The additional noise and vibration caused by the HST needs to be clearly stated and addressed. Any noise and/or vibration impacts need to be mitigated as part of the project. Such measures should be included as integral components of the project. These measures should not create other impacts such as construction of a sound wall that might divide the City and affect the neighborhood feel of the community.

5. Freight – Menlo Park is concerned about freight traffic using either the Caltrain mainline or the Dumbarton Rail line and its impact on residents and traffic in the area. Since the rail lines will be grade separated, which allows for faster trains times and reduced vehicular and pedestrian conflicts, the lines would be more easily suited for freight traffic. This may lead to increased freight traffic on rail lines that currently have minimal freight traffic. A new San Francisco Bay crossing along the Dumbarton alignment may open this corridor up to freight traffic, which could substantially increase impacts to adjacent residential neighborhoods in Menlo Park.

6. Funding – The project intends to use State General Obligation bonds to fund the project. This funding method would create a long-term financial obligation that could impact existing State programs. A detailed

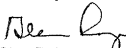
cost/benefit and fiscal impact analysis should be provided for the project, so voters can make an informed decision. Also, additional funding sources should be sought to share the costs of the project.

7. Other Environmental Impacts – The HST project will require the removal of trees, affect view corridors and grade separation will significantly impact local traffic circulation. The HST would also change the close neighborhood character of Menlo Park by introducing a train system that would not fit within the community. These issues need to be clearly understood prior to making a final decision on the best alignment for the project. The current program level EIR/EIS is not sufficiently detailed to allow those affected to understand the potential impacts before they are asked to vote on funding for the project. A project specific EIR/EIS should be completed for work on the San Francisco peninsula before the HST project appears on the ballot due to the higher level of likely environmental impacts as compared with other parts of the HST project.

Attached to this letter are Menlo Park’s previous comment letters for other rail projects on the same rail corridors. The issues related to HST are very similar to the issues raised in those comment letters. The City of Menlo Park would expect the Authority to consider all of these comments when evaluating the City’s responses to the draft EIR/EIS.

Finally, the City of Menlo Park appreciates the opportunity to provide input on the High Speed Rail Program EIR/EIS. The City looks forward to participating in the EIR/EIS process to review any impacts and proposed mitigation measures within Menlo Park. As previously noted, the City of Menlo Park cannot declare itself in support of the project until the issues described above have been carefully evaluated and addressed through the evaluation and design process.

Sincerely,


Glen Rojas
City Manager

Cc: Members of the City Council
Quentin Kopp, High Speed Rail Authority Board Chairperson
Fran Florez, High Speed Rail Authority Board Vice-Chairperson
Donna Andrews, High Speed Rail Authority Board Member

Comment Letter L017 - Continued

Attachment
to L017



701 LAUREL STREET, MENLO PARK, CA 94025-3483
www.menlopark.org

ATTACHMENT A



LEE B. DUBOC
MAYOR
MICKIE WINKLER
MAYOR PRO TEM
PAUL J. COLLACCHI
COUNCIL MEMBER
NICHOLAS P. JELLYN
COUNCIL MEMBER
CHARLES M. KINNEY
COUNCIL MEMBER

David Crane, High Speed Rail Authority Board Member
Rod Diridon, High Speed Rail Authority Board Member
Kirk Lindsey, High Speed Rail Authority Board Member
Curt Pringle, High Speed Rail Authority Board Member
Lynn Schenk, High Speed Rail Authority Board Member
Tom Stapleton, High Speed Rail Authority Board Member
City Attorney
Director of Public Works

August 26, 2004

California High-Speed Rail Authority
Attn: California High-Speed Train
Draft Program EIR/EIS Comments
925 L Street, Suite 1425
Sacramento, CA 95814

Subject: City of Menlo Park Comments on Draft Program EIR/EIS

Members of the Authority:

Thank you for the opportunity to review and comment on the Draft Program EIR/EIS for the proposed statewide high-speed rail project.

While we understand that the nature of a "program" environmental document on a statewide project is inherently general, we wish to bring to your attention specific concerns of the City of Menlo Park that are not adequately addressed in the Draft Program EIR/EIS and that must have "project level" environmental review before the overall program can proceed.

The Draft Program EIR/EIS information on the Menlo Park grade separation issue is limited to a map of northern California extending from the Carquinez Strait to Gilroy entitled *Figure 2.7-5, HST Alignment Options-Profile Characteristics, Bay Area To Merced Region*. This Figure has a single colored line passing through Menlo Park bearing the legend "*Slightly Elevated or Depressed*". This level of information is inadequate as a description of the grade separation work the Authority intends to undertake. Furthermore, grade separation and expanding the line to four tracks as proposed would necessitate relocation of a historic structure within the Menlo Park rail station complex. The document does not provide adequate information on what right-of-way may have to be acquired in Menlo Park permanently or for temporary construction easements to develop four tracks in the Caltrain alignment and construct the grade separations. Until the HST project defines an explicit horizontal and vertical alignment proposal for tracks and roadways, the City and the affected public in Menlo Park cannot reasonably know what the real impacts of the project are.

Printed on recycled paper

Attachments:

- A. City of Menlo Park comments and resolution on the first California High Speed Rail Program EIR/EIS dated August 26, 2004.
- B. City of Menlo Park comments on the Caltrain Electrification EIR/EIS dated May 24, 2004.
- C. City of Menlo Park comments on the Dumbarton Rail Corridor Project dated July 23, 2007.
- D. City of Menlo Park comments on the San Francisco Bay Area Regional Rail Plan dated August 29, 2007.

Comment Letter L017 - Continued

The document needs to include additional information on impacts and mitigation measures in relation to noise resulting from High Speed rail operation in the areas of Menlo Park with residential housing near the rail corridor. Other issues of concern to the City of Menlo Park are loss of trees, impact to view corridors, economic impacts to nearby property owners and local traffic circulation. These issues need to be discussed in more detail in the document.

The appearance of overhead electric power supply for the trains, including the wires, supporting poles, mast arms and insulators, is a matter of significant concern for Menlo Park. Any new electrical substations in Menlo Park would also be of concern. The Draft Program EIR/EIS provides insufficient information for the public to determine whether these aspects of the project would be detrimental to Menlo Park. The electrification system proposed for the HST is similar to that proposed for the Caltrain system by the Peninsula Corridor Joint Powers Board (the JPB). On May 25, 2004 Menlo Park filed formal comments on the JPB's Draft EIR for Caltrain Electrification. Menlo Park attaches its letter of comment on the proposed Caltrain Electrification to this letter, and identifies those comments as applicable to the HST Program EIR/EIS.

Although the document indicates the Authority will conduct a project level EIR to the extent needed to assess potential Environmental Impacts not already addressed in this Program EIR/EIS, the fact that the project is being taken to the voters of the state for funding approval on the basis of the Program EIR/EIS document tends to deprive the public of full disclosure of the program's environmental impacts at the time they make their decision on whether to vote funding for the project. The opinions of voters in communities like Menlo Park, that are to be traversed by, and likely to be significantly impacted by the high speed rail project, would be more heavily influenced by the details of local impacts of grade separations, right-of-way acquisition and electrification that are not adequately addressed in the Program EIR/EIS than by the information on statewide travel needs and impacts that the Program EIR/EIS focuses on.

Menlo Park is compelled to comment that while economic issues are not normally addressed in the EIR funding the High-Speed Rail Project with general obligation bonds to be paid from the State General Fund seems inappropriate and irresponsible at a time when the general fund is in a deficit condition and state funding to schools and local government is being squeezed to offset the general fund deficit. At a minimum, Menlo Park urges that any bond obligations on the State General Fund be deferred for several years, and that preferably the project be funded through revenue bonds or with a new direct taxation funding source, not through draw-downs on existing state and local fund resources.

Finally, the City of Menlo Park does not concur in the decision to exclude the Altamont Corridor rail route from further consideration and evaluation in the HST

EIR/EIS. It is premature to arbitrarily eliminate an alternative at such an early stage.

The City of Menlo Park does not wish to be in opposition to the Statewide High-Speed Rail Project. However, until the potentially critical local impacts described above are carefully worked out through the design process and evaluated in a project-level EIR/EIS, and until a financing plan that does not compound the difficulties facing local government is developed, Menlo Park cannot declare itself in support of the Project (please see attached Resolution).

Sincerely,

Lee Duboc
Mayor

Attachment: Resolution # _____
Letter of comments on Caltrain Electrification Program

Comment Letter L017 - Continued

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENLO PARK
COMMENTING ON THE CALIFORNIA HIGH SPEED RAIL SYSTEM DRAFT ENVIRONMENTAL
IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT**

WHEREAS, the California High Speed Rail Authority was established by the Legislature in 1996 for implementing a statewide high speed train system for California; and,

WHEREAS, it is the intent of the State Legislature and the High Speed Rail Authority that a statewide ballot measure to authorize bonds that would fund the project through design and the first stages of construction go to the voters in November of 2006; and,

WHEREAS, the California High Speed Rail Authority has circulated a Draft Program Environmental Impact Report/Environmental Impact Statement on the proposed California High Speed Rail Project seeking comments; and,

WHEREAS, as proposed, the high speed rail line would pass through Menlo Park in the Caltrain corridor, the project would expand the Caltrain line to four tracks, electrify the line, grade separate all crossings, would generate 86 trips a day by the year 2020, and the Authority would perform more specific environmental impact analysis for segments of the rail line and the stations should the high speed train advance to subsequent phases of project development.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Menlo Park that:

1. The fact that the project is being taken to the voters of the state for funding approval on the basis of the Program EIR/EIS document tends to deprive the public of full disclosure of the program's environmental impacts. The opinions of voters in communities like Menlo Park, that are to be traversed by and likely to be significantly impacted by the high speed rail project, would be more heavily influenced by the details of local impacts of the project that are not adequately addressed in the Program EIR/EIS than by the information on statewide travel needs and impacts that the Program EIR/EIS focuses on.
2. The project sponsor needs to identify issues of critical concern to Menlo Park at this stage of the project development in order to assure that these issues will be addressed in some depth in subsequent project-level environmental documentation.
3. Funding a \$37 billion project with state general obligation funds seems inappropriate at a time when the State General Fund is in a shortfall condition that is already adversely impacting local governments.
4. The Program EIR/EIS is so general it does not provide adequate information regarding the impacts on right-of-way, noise, historic buildings, trees, businesses, aesthetics and local traffic circulation.
5. Menlo Park would experience staff cost in coordinating the planning, design and construction activities of the high speed train project.
6. Menlo Park does not concur in the decision to exclude further evaluation of the Altamont Corridor rail route, and requests the Authority to revive consideration of that route at this stage of environmental review process.
7. Menlo Park expresses its strong desire for exploring alternate routes and/or methods to avoid the Peninsula area as the alignment for the high speed rail line, i.e. by integrating it with existing systems.

I, SILVIA VONDERLINDEN, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said Council on _____, 2004, by the following vote:

AYES:	Council members:
NOES:	Council members:
ABSENT:	Council members:
ABSTAIN:	Councilmembers:



701 LAUREL STREET, MENLO PARK, CA 94025-3483
www.menlopark.org

May 24, 2004

Caltrain Electrification
1250 San Carlos Avenue
San Carlos, CA 94070

Subject: **Caltrain Electrification Program, Environmental
Assessment / Draft Environmental Impact Report**

Members of the Peninsula Corridor Joint Powers Board:

Thank you for the opportunity to comment on the Environmental Assessment / Draft Environmental Impact Report on the proposed Caltrain Electrification Program. Menlo Park recognizes that it benefits substantially from Caltrain services and wishes to cooperate with the JPB in improving the quality and efficiency of Caltrain services and operations. However, it must also be recognized that the central portion of Menlo Park is adversely impacted by some of the characteristics of Caltrain operations. As a result, any significant change in Caltrain operations is a matter of considerable public concern. This letter is intended to convey those concerns on behalf of Menlo Park's most directly affected citizens.

After carefully considering the draft document, we believe that there are a number of considerations that must be addressed in more depth before the document would be reasonably adequate for certification.

Our concerns include the following points:

- The project's impact on trees in and near Menlo Park is not sufficiently clear. We understand that there is a detailed arborist's report, but that report has not been directly incorporated in the document. If the content of the arborist's report concerning tree loss in and near Menlo Park is as has been reported in the press (eight to twelve trees at the San Francisquito Creek crossing, fifteen to twenty-two of the fifty-six trees along the tracks in Menlo Park and twenty-five percent of the trees along the tracks in nearby Atherton slated for removal), the DEIR's conclusion of "no permanent impacts" to biological resources may be incorrect. We suggest that this area of the analysis be thoroughly reconsidered, that more specific detail be

Printed on recycled paper

ATTACHMENT B



LEE B. DUBOC
MAYOR

NICHOLE WINKLER
MAYOR PRO TEM

PAUL J. COLLACCHI
COUNCIL MEMBER

NICHOLAS P. JELLINS
COUNCIL MEMBER

CHARLES M. KINNEY
COUNCIL MEMBER

Comment Letter L017 - Continued

provided in the report and that consideration be given to transplanting trees rather than removing them. We would also suggest that planting new trees be given consideration as mitigation for the loss of existing trees.

- Regarding visual impacts, it seems certain that many in Menlo Park will consider the prospect of catenary wires, insulators, support poles and mast arms, portal support frames in the station areas and higher poles and wires for the distribution system unsightly. And because the impacts of tree removal associated with the project have not been clearly documented in the DEIR (see point above), it is evident that the visual impacts are likely to be more extensive than analyzed in the DEIR. To be a fair indicator of likely visual impact, the DEIR needs additional photo-simulated views that combine the effects of introduction of the electrification overhead gear together with those of the project's tree removal effects. Tree planting and other landscape treatments should be considered as mitigation for the visual impacts created by the project.
- The DEIR claims the potential for substantial noise reduction benefit as the result of electrification. However, in areas near grade crossings, any such benefit would be imperceptible because of the continued impacts of the much more disturbing train horn soundings. In Menlo Park, where there are four grade crossings in the corridor's 1.5 mile traversal of the community and two more, one just north and one just south of City limits, for an average of one grade crossing every quarter-mile, the adjacent land use in Menlo Park along the entire corridor is adversely impacted by train horn noise. Until grade separations or other actions eliminate the routine sounding of train horns at grade crossings, the claimed noise reduction benefits of the electrification project will generally be unperceived by the public. To eliminate the inaccurate portrait of noise reduction benefit that the DEIR currently presents, the document should provide noise contour maps for the alternatives in which the effects of train horn noise are considered as well as the other forms of train noise.
- On page 2-53, the DEIR opines that grade separating the entire system would delay electrification for several years. It also states that grade separating the entire line would increase costs with no commensurate improvement in train service. This particular assertion appears unfounded given that a fully grade separated system is an adopted goal of the JPB. We question this conclusion of the DEIR given the substantial history of grade crossing accidents on the line that grade separations would avert, given the serious disruption to system reliability that results when a rail accident occurs at a grade crossing and given that the claimed noise-reduction benefits of the electrification project generally will not be truly realized until and unless completion of grade separations eliminates the most disturbing noises created by train horns and wayside warning devices. Contrary to the

statement of the DEIR, grade separations are obviously not just a benefit-less cost to the rail system. From the perspective of a community that is substantially benefited by Caltrain service but significantly adversely impacted by certain aspects of Caltrain operations that relate to a lack of grade separations (the train horn noise, congestion and safety at the grade crossings) a fair argument can be made that what the JPB should be doing is using first available funding to grade-separate the entire system and using later funding to do the electrification, in which case: 1) the claimed noise-reduction benefits would be realized because the train horn noise would be eliminated and 2) the electric third rail system that avoids all the overhead equipment many people may consider unsightly may prove most practical.

If electrification precedes complete grade separation of the Caltrain line, during any subsequent grade separation project, the electrification gear will need to be moved over to the shoofly and back again to the permanent tracks, an activity that obviously adds complexity, cost and time to any grade separation project. Less obvious but nonetheless significant, aside from moving the electrical system twice, just having to work near the hot wires while doing the ordinary grade separation construction activity will add complexity, time and cost and may also necessitate more intrusive and disruptive temporary construction easements. These are significant considerations for communities that are prospective candidates for grade separations.

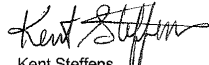
- The DEIR notes that the statewide high-speed rail operation that hopes to operate in the Caltrain corridor will need the high voltage overhead type system and that cost-efficiency could be realized by having the Caltrain electrification compatible with it. However, at this point the statewide high-speed rail is nothing more than a speculative project; it is not assured of moving forward. Therefore, it may be premature to lock-in an electrification technology decision on the presumption that high speed rail will be under construction soon to share electrification costs with Caltrain. Caltrain may be wise to defer decision making on the details of electrification until the fate of the statewide high speed rail project is determined. If the statewide high-speed rail project proves a non-starter, Caltrain might be well advised to rely on the less intrusive electric third rail type system rather than the overhead system that high-speed rail would require and that some may regard as unsightly.
- The "Public Services and Facilities" section of the DEIR contains no information about the potential safety risks of the electrified system. What happens when 'hot wires' fall down due to some kind of incident (storm winds, motorist collision with support, etc.)? How quickly does the power get shut off? How frequently do such incidents happen in areas like the Boston to Washington corridor where such systems are operational? The DEIR is

Comment Letter L017 - Continued

completely lacking regarding information of this type. Such considerations should be addressed in the document.

Thank you again for the opportunity to comment on the Draft Environmental Impact Report.

Sincerely,


Kent Steffens
Director of Public Works

cc: Mayor and Members of City Council
City Manager
Community Development Director
City Attorney
Town Council Members – Town of Atherton,
Via: Jim Robinson, City Manager

KELLY FERGIUSON
MAYOR
ANDREW COHEN
MAYOR PRO TEM
JOHN BOYLE
COUNCIL MEMBER
RICHARD CLINE
COUNCIL MEMBER
KEYWARD ROBINSON
COUNCIL MEMBER

Building
TEL 650.330.6704
FAX 650.327.5403

City Clerk
TEL 650.330.6630
FAX 650.328.7935

City Council
TEL 650.330.6630
FAX 650.328.7935

City Manager's Office
TEL 650.330.6610
FAX 650.328.7935

Community Services
TEL 650.330.6200
FAX 650.324.1721

Engineering
TEL 650.330.6740
FAX 650.327.5497

Environmental
TEL 650.330.6763
FAX 650.327.5497

Finance
TEL 650.330.6640
FAX 650.327.5391

Housing &
Redevelopment
TEL 650.330.6786
FAX 650.327.1789

Library
TEL 650.330.2500
FAX 650.327.7050

Maintenance
TEL 650.330.6790
FAX 650.327.1953

Personnel
TEL 650.330.6670
FAX 650.327.5362

Planning
TEL 650.330.6762
FAX 650.327.1653

Police
TEL 650.330.6780
FAX 650.327.4314

Transportation
TEL 650.330.6770
FAX 650.327.5497



701 LAUREL STREET, MENLO PARK, CA 94025-3483
www.menlopark.org

July 23, 2007

Dumbarton Rail Corridor Policy Advisory Committee
1250 San Carlos Avenue
San Carlos, CA 94070-1306

Honorable Chairman Green and Members of the Committee,

Menlo Park City Council recently held two meetings to educate the Council, staff, and the community about the plans for the Dumbarton Rail Corridor (DRC) project. At these meetings, a number of issues of concern about the project were raised. On July 19, 2007, the Council voted unanimously to submit a letter to the DRC Policy Advisory Committee (PAC) listing the City's primary concerns and requesting a response to these concerns. Menlo Park submits this letter to the PAC now, recognizing that policy direction given by the PAC now and in the future will significantly impact how these issues are addressed and resolved.

The City of Menlo Park strongly supports the goal of increasing public transit throughout the region and in particular along the Dumbarton corridor. Clearly the Dumbarton Rail project could bring many benefits, including enhancement of our local and regional economies. However, if not properly mitigated, this project will result in significant impacts on several Menlo Park neighborhoods. In addition, careful consideration must be given to all project alternatives to ensure the best use of voter-approved transit dollars.

Menlo Park hopes that this letter will serve to open a dialogue with the PAC around the issues raised by the project. The primary items of concern are:

1. Freight – Menlo Park is concerned about freight trains using the Dumbarton rail line and its impact on residents and traffic in the area. The project should eliminate the possibility of freight on the Dumbarton Rail line.
2. Cost Projections – Include all costs, and in particular estimates for the cost of mitigations, in the cost projections for each proposed option so that alternatives can be compared on an equivalent basis.
3. Ridership Data – This data has changed over time based on new information and updated models. The model is complex and involves many factors. The ridership estimates, model assumptions, and model parameters need to be clearly explained and provided to the public. A detailed explanation of the differences in ridership between the various alternatives needs to be provided.

ATTACHMENT C

Comment Letter L017 - Continued

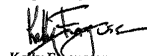
ATTACHMENT D

4. **Electrification** – The project should include electrification or the possibility to easily implement electrification, without further construction, to reduce air pollution and fit with the current plan to electrify the Caltrans mainline. One specific alternative that should be considered is the use of lighter electric vehicles such as the ones proposed for the Caltrans mainline. We understand that Caltrans has made significant progress with Federal regulators so that lighter electric vehicles could be used on the Caltrans mainline. Since the Dumbarton trains will be integrated into the Caltrans mainline at Redwood Junction, using the same vehicles throughout the Caltrans system would maximize operational efficiencies. These lighter vehicles provide more flexibility, less pollution, and noise.
5. **Alternatives** – Make a fair, thorough and realistic comparison of alternatives, including increased busing and Bus Rapid Transit. These alternatives may have a reduced cost and could be implemented with a phased approach.
6. **Mitigations** – The project plan should include mitigations to address the impacts of each option under consideration. The City cannot support a plan that does not budget funds for noise and vibration mitigation. These mitigation measures need to be thoroughly studied and alternatives developed. They are an integral component to the project and need to be included in all future cost estimates for the project.
7. **Traffic** – The rail service will increase delay on several already-congested roadways in Menlo Park. The impact of the rail service on traffic in the area needs to be analyzed using properly validated models. Options for mitigating the increased traffic delay should be considered, including advanced signal timing, grade separations, etc.

Menlo Park has previously submitted communications regarding the DRC project. These include a letter from Mayor Borak in 2000, and a letter from Mayor Winkler in 2006. Many of the policy issues raised in those letters remain unresolved. In addition, comments from the City on the Notice of Preparation for the environmental process were submitted in 2006.

Menlo Park trusts that the Dumbarton Rail PAC will seriously consider the issues raised in this letter. Menlo Park requests and looks forward to your response.

Respectfully submitted,



Kelly Ferguson
Mayor

KELLY FERGUSON
MAYOR
ANDREW COHEN
MAYOR PRO TEM
JOHN BOYLE
COUNCIL MEMBER
RICHARD CLINE
COUNCIL MEMBER
HOWARD ROBINSON
COUNCIL MEMBER

Building
TEL 650.330.6704
FAX 650.327.5403

City Clerk
TEL 650.330.6620
FAX 650.328.7935

City Council
TEL 650.330.6630
FAX 650.328.7935

City Manager's Office
TEL 650.330.6611
FAX 650.328.7935

Community Services
TEL 650.330.2200
FAX 650.324.1721

Engineering
TEL 650.330.6740
FAX 650.327.5497

Environmental
TEL 650.330.6763
FAX 650.327.5497

Finance
TEL 650.330.6640
FAX 650.327.5391

Housing &
Redevelopment
TEL 650.330.6706
FAX 650.327.1759

Library
TEL 650.330.2500
FAX 650.327.7030

Maintenance
TEL 650.330.6780
FAX 650.327.1953

Personnel
TEL 650.330.6670
FAX 650.327.5382

Planning
TEL 650.330.6762
FAX 650.327.1653

Police
TEL 650.330.6300
FAX 650.327.4314

Transportation
TEL 650.330.6770
FAX 650.327.5497



701 LAUREL STREET, MENLO PARK, CA 94025-3483
www.menlopark.org

August 29, 2007

Ms. Katie Balk
Regional Rail Project Offices, c/o BART
300 Lakeside Drive, 16th Floor
Oakland, CA 94612

Subject: Comments on the San Francisco Bay Area Regional Rail Plan

Dear Ms. Balk:

Thank you for the opportunity to comment on the San Francisco Bay Area Regional Rail Plan. The City of Menlo Park supports your efforts to plan for future improvements to the rail system that incorporates both passenger trains and freight service.

City representatives attended the Regional Rail Plan Community Workshop held in San Carlos, and received a copy of the Regional Rail Plan Draft Report Summary dated August, 2007. The City's comments will focus specifically on this document.

Plan and Budget for Adequate Mitigation of Service Expansion Impacts. Menlo Park and much of the San Francisco Peninsula are currently near built-out conditions, with substantial residential areas near or immediately adjacent to the Caltrans right-of-way. As the Caltrans system has changed over the years from a freight line to a mostly commuter railroad, the frequency and speed of trains have dramatically increased. Most of the impacts (e.g. noise, vibration, diesel exhaust, and traffic congestion at crossings) affect those residents nearest the tracks. As any future expansion of service is along the Caltrans right-of-way is planned, it is imperative that projects be designed and funded to include mitigation of those impacts.

Section 10.0, Next Steps of the Draft Report Summary acknowledges that cost estimates are currently at an "order of magnitude level of detail" and that more refinement is needed as projects are developed further. Too often, engineering studies of this magnitude focus only on the infrastructure required to deliver a functional system. Prudent mitigation measures can become an unaffordable extra cost to the project if they are not included from the beginning. Realistic mitigation costs for increased noise, traffic impacts at crossings and other impacts should be built into cost estimates now. Making the environment around the rail corridor more livable will help promote transit-oriented development and increase future ridership.

Comment Letter L017 - Continued

Letter to Katie Balk
Page Two
August 28, 2007

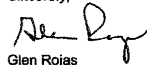
The City of Menlo Park has been closely following the planning efforts for the Dumbarton Rail Project. Similar concerns about planning for and funding mitigations for impacts of this project were recently raised in a letter from Menlo Park's Mayor, Kelly Fergusson to the Dumbarton Rail Corridor Policy Advisory Committee. A copy of the letter is attached for information.

Integrate the Regional Rail Plan with Other Transit Modes. More work is needed to better integrate rail services with other transit modes such as buses and feeder shuttles. As alternatives for rail travel expand, providing time-coordinated transit options to deliver passengers to and from rail stations will be an important component that appears to have received little attention in the Regional Rail Plan. The efficiency of the rail station feeder system will significantly affect ridership and, ultimately, capital costs and operating expenses. Further studies should identify the best ways to get passengers to and from rail stations, and those costs should be built into the overall plan.

Better Balance the Needs of Local Service and Regional Express Service. The City of Menlo Park remains concerned about local Caltrain service being sacrificed for the sake of regional express services. The Regional Rail Plan relies heavily on transit-oriented development (TOD) to increase future transit ridership in the Bay Area. This strategy can be effective only if relatively frequent service is available at a large number of rail stations. Only so much land is available for TOD around regional express stops. Frequent local service maximizes the potential for TOD and future ridership increases.

Thank you for considering these comments. The City of Menlo Park appreciates the opportunity to comment on this important plan. If you have questions regarding the City's comments please contact the City's Director of Public Works, Kent Steffens at 650-330-6781.

Sincerely,



Glen Rojas
City Manager

Attachment: Letter from Mayor Fergusson to the Dumbarton Rail Corridor Policy
Advisory Committee

cc: Members of City Council
Director of Public Works
Transportation Manager

NOTE: The City of Menlo Park submitted a comment letter on September 25, 2007 and is included in the City of Menlo Park comment letter L017 dated April 22, 2010, above. The Authority's responses to the 2007 comment letter have been included following responses to comments on the 2010 comment letter, below.

L017-1

Authority staff believe this Revised Final Program EIR Material provides sufficient information for the Authority board to make a decision of a preferred route from the San Francisco Bay area to the Central Valley. See Standard Responses 1, 2, and 3.

L017-2

The commenter suggests that the Authority is legally required to provide a substantive response to any comments received during the comment period that related to the proposed project. The Authority disagrees with this statement. CEQA Guidelines section 15088.5 provide a mechanism whereby a lead agency revising and recirculating a portion of a prior EIR can ask the public to focus its comments on the new material. The lead agency is required to respond only to those comments that pertain to the new material. Nevertheless, in this document, the Authority is providing a good faith, reasoned response, to all comments received.

L017-3

Comment noted.

L017-4

Comment noted. See Responses to Comments L017-4 through L017-25.

L017-5

Chapter 2 of the 2008 Final Program EIR included a discussion of the ridership forecasts used in the environmental analysis and development of the model from which the forecasts were derived. Reference was provided to the work of Cambridge Systematics in

creating this model for the Metropolitan Transportation Commission (MTC). The various MTC/Cambridge Systematics reports on the ridership model have been publicly available since 2007 on the Authority's website. We also understand that the model itself has been publicly available from MTC. Please see Standard Response 4 regarding the model development process.

L017-6

Comment acknowledged. Please see Standard Response 8 regarding the Business Plan and Standard Response 4 regarding ridership estimates included in the Business Plan.

L017-7

An analysis of alignments that do not traverse the Caltrain Corridor is contained in the 2008 Final Program EIR. The Authority notes that the Draft and Final Program EIRs evaluated alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The description and full evaluation of these network alternatives were not circulated in the 2010 Revised Draft Program EIR Material, but clarification of the description and evaluation of portions of these alternatives, specifically between San Jose and Gilroy, were provided in response to the Superior Court ruling in Town of Atherton.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting

terminating HST service in San Jose will be part of the record that the Board considers.

See Standard Response 10 in regards to ending HST in San Jose.

Ending HST in Union City to connect with BART would require a 42-minute ride into downtown San Francisco and a 77-minute trip to SFO. The lack of a quick connection from HST to SFO would eliminate the ability to easily utilize the HST to connect to flights, abandoning the opportunity to scale back the short and expensive connecting flights from locations like Fresno. A 42-minute ride on BART into San Francisco would significantly affect ridership and not meet the travel time goal set for HST trips between San Francisco and Los Angeles.

L017-8

We acknowledge the potential for variations in the vertical alignment of HST track to minimize or avoid potential impacts of the HST system. In the Authority's 2008 decision, the Authority committed to considering vertical profile variations for the HST system along the Peninsula as part of project-level environmental review. While the 2008 decision has been rescinded, the Authority will continue its commitment to study design variations at the project-level.

L017-9

Individual grade separations along the HST line were not viewed as major differentiators among the alignment options presented in the 2008 Final Program EIR and therefore are not evaluated in detail in that document. Environmental effects of grade separations will be evaluated at the project-level EIR/EIS phase, once their locations and designs have been developed during the 15% and 30% design and engineering effort.

The June 5, 2003 "Report to City Council on Menlo Park Grade Separation & New Station Feasibility Study" found that while a four-track grade separation of Encinal, Glenwood, Oak Grove and Ravenswood, would impact mature trees, these trees could be moved to provide screening of neighboring properties from the completed project. It would also require no "significant permanent right-of-way takes from private property owners."

The introduction of HST to the Caltrain corridor as depicted in the Program EIR assumed a similar configuration in Menlo Park. While there would be impacts, they would be mitigated to the extent feasible. Most residents would see a benefit, as travel across the rail corridor would no longer be disrupted by waiting for trains at grade crossings. Neighbors who now hear the mandated blowing of a horn when any train approaches a grade crossing, four blows in the course of 8,000 feet of travel through Menlo Park's grade crossing, would have this impact eliminated. The June 2003 report detailed impacts for both construction and on-going operation of the grade separations.

L017-10

The revised project description between San Jose and Gilroy would not result in changes to the discussion of cultural resources beyond what was identified in the 2010 Revised Draft Program EIR Material related to Keesling's shade trees. The analysis for cultural resources is included in the May 2008 Final Program EIR, Chapter 3.12, Cultural Resources and Paleontological Resources, and Appendix 3.12-A. Under Section 106 of the National Historic Preservation Act (36 CFR § 800), the procedures to be followed at the project level include identification of resources, evaluation of their significance under the National Register of Historic Places and CEQA, identification of any substantial adverse effects, and evaluation of potential mitigation measures. Specific resources within the Area of Potential Effects will be further examined in detail at the project level because the identification of potentially affected resources and project effects and mitigation are dependent on the HST location and system design, and can only be done at the project level. See Standard Response 3 and Response to Comment L003-79.

L017-11

See Response to Comment L017-47. Analysis of alternative vertical alignments will be undertaken part of the project-level review of the HST. Analysis of potential alternative power sources for locomotives moving freight trains in the Caltrain corridor is beyond the scope of the project.

L017-12

See Response to Comment L003-134.

L017-13

The comment is correct that the HST project will include full grade separations. The proposed project on the Caltrain Corridor between San Francisco and San Jose is intended to provide community benefits by grade separating the right of way and eliminating current freight/commuter rail conflicts with vehicular and pedestrian cross traffic. We do not agree that the proposed project is creating an enhanced environment for freight that will lead to significant impacts from increased freight activity because trains can travel faster. For the Caltrain Corridor, freight operations are restricted to specific conditions and times under a trackage rights agreement between UPRR and the PCJPB. The rights of UPRR under this agreement will be respected and there is currently no intent to alter the windows for freight activity in the corridor. We note that generally speaking, freight movements, speeds, and frequency of freight trains are dependent on multiple factors, including the needs of the customer. Freight speeds are dictated by the Federal Railroad Administration and vary depending on the goods being shipped. A detailed examination of the potential for freight rail operations on this corridor to increase is beyond the scope of the Program EIR. More information on joint operations in the Caltrain Corridor would be considered at the project level if the Caltrain Corridor is part of the network alternative selected by the Authority board.

L017-14

Comment noted regarding Proposition 1A and the Authority's 2009 Business Plan. The Authority is complying with Proposition 1A

regarding the financing of the HST system. The 2009 Business Plan notes the difference in ridership figures used for investment studies and those used for purposes of analyzing environmental impacts. See 2009 Business Plan, p. 70 fn. 20. A study of the financing of the entire HST system is beyond the scope of this Program EIR, and was not identified by the Superior Court judgment in the Town of Atherton case as a topic area requiring additional work under CEQA. Also see Standard Response 8.

L017-15

Section 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the Revised Draft Program EIR Material and Section 3.7 of the May 2008 Final Program EIR discussed the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts analysis, the study area is narrower as noted above to better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3 of the May 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation.

L017-16

See Standard Response 10.

L017-17

More detailed information and analysis of construction impacts and mitigation will be included in project-level EIR/EISs, including impacts related to rail detours (shooflys), traffic patterns,

construction noise, business access, etc. See Response to Comment L003-108 and Standard Response 3.

L017-18

See Standard Response 7 regarding Eminent Domain.

L017-19

See Standard Response 9 regarding UPRR.

L017-20

The number and location of proposed grade separations were indicated on the plan and profiles included in Appendix 2-D of the 2008 Final Program EIR. The actual location and configuration of such facilities will need to be evaluated in the project-level environmental studies on the network alternative ultimately selected by the Authority.

L017-21

Project-specific analyses of circulation, traffic, pedestrian, bicycle, transit, parking and temporary construction impacts will be conducted in the project-level EIR/EIS for the station areas, access roads, and other facilities that might be affected by the proposed HST station. This will be documented in a Traffic, Transit, Circulation and Parking Report.

L017-22

See Response to Comment L003-16.

L017-23

A detailed impacts analysis of the addition of the HST service to existing rail corridors will be undertaken as part of project level

engineering and environmental analyses. Removal of mature trees and other vegetation would be avoided to the extent possible. Operational and construction impacts including those related to the removal of trees will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detailed studies necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

L017-24

Project-specific analyses of circulation, traffic, transit, parking and temporary construction impacts will be conducted in the project-level EIR/EIS for the station areas, access roads, and other facilities that might be affected by the proposed HST station. The effects of new grade-separated crossings on highway/roadway traffic operations and rail operations will be evaluated. Potential traffic impacts and feasible mitigation measures will be documented in a Traffic, Transit, Circulation and Parking Report.

L017-25

See Standard Response 6.

L017-26

Authority staff believe this Revised Final Program EIR provides sufficient information for the Authority board to make a decision of a preferred route from the San Francisco Bay area to the Central Valley. We appreciate the concerns raised by the City of Menlo Park and these issues will be considered in the decision making process. See also Standard Responses 2 and 3.

Authority response to City of Menlo Park comment letter dated April 22, 2007.

Judge Quentin L. Kopp, Chairman
 Brian Pomeroy, Vice-Chair
 David Crane
 Rod Gordon, Sr.
 R. Kirk Lindsey
 Curt Priege
 Lynn Schwab
 T.J. (Tom) Blackston
 Tom Unshing
 "past chair"



CALIFORNIA HIGH-SPEED RAIL AUTHORITY

ARNOLD SCHWARZENEGGER



February 19, 2009

Hon. Heyward Robinson, Mayor
 City of Menlo Park
 701 Laurel Street
 Menlo Park, CA 94025-3483

Re: September 25, 2007, Letter from City of Menlo Park Commenting on the Draft Bay Area to Central Valley High-Speed Train (HST) Program EIR/EIS

Dear Mayor Robinson:

It has come to the California High-Speed Rail Authority's attention that the City attempted to send a comment letter to the Authority during the comment period for the Draft Bay Area to Central Valley High-Speed Train (HST) Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS). Regrettably, the Authority has no record of having received that letter of September 25, 2007 during the EIR/EIS process, and became aware of the letter only after litigation was filed challenging the EIR/EIS. The Authority would have liked to have responded to this letter as we did for all of the comments that the Authority received during the EIR/EIS process. The Authority obtained a copy of the City's September 25, 2007, letter with four attachments through its litigation attorneys only after the litigation was under way. Please be assured that the Authority takes the City's comments in this letter seriously. Authority staff and consultants therefore have carefully reviewed the letter and herewith respond to the issues raised in the City's letter by providing the City with information on how such issues were analyzed and discussed during the Program EIR/EIS process, as well as how those issues will continue to be examined during the more detailed project-level environmental review process for the San Francisco to San Jose section of the HST system. The responses are consistent with responses the Authority would have provided you during the EIR/EIS process, and did provide in response to other comment letters that were received on the same issues, but also contain information reflecting new developments since the close of that process on July 8, 2008.

The Authority urges the City actively to participate in the project-level environmental review process for the San Francisco to San Jose section of the HST system. For your convenience, a copy of the revised CEQA Notice of Preparation is enclosed. The deadline for scoping comments has been extended to April 6, 2009. The Authority also invites the City of Menlo Park to join with other Peninsula cities in a working group to provide valuable input in the Alternatives Analysis process and on-going environmental and engineering studies. Dominic

Spaethling, the Authority's Regional Manager for the Caltrain Corridor, will contact you regarding the formation of such working group which we anticipate will play an important role in the project-level EIR/EIS process for the San Francisco to San Jose Segment of the HST Project Phase one.

Yours truly,

Quentin L. Kopp
 Chairman

Enclosures

Responses to comments in City of Menlo Park Letter (9/25/07)

Extension of Scoping Period for San Francisco to San Jose HST Project EIR/EIS (2/19/09)

Revised Notice of Preparation of a Project Environmental Impact Report/Environmental Impact Statement for a San Francisco to San Jose High-Speed Train (HST) System (01/08/09)

California High-Speed Train Business Plan (November 2008)

High-Speed Rail System Business Plan (June 2000)

Standard Responses, Final Program EIR/EIS, volume 3

Responses to City of Menlo Park comments and resolution on the first California High Speed Rail Program EIR/EIS dated August 26, 2004

925 L Street, Suite 1425 • Sacramento, CA 95814 • 916.324.1541 • fax 916.322.0827
www.cahighspeedrail.ca.gov



California High-Speed Rail Authority
Responses to Comments in City of Menlo Park Letter, 09/25/07
Page 1 of 7

These responses are intended to follow the comments as set forth in the City's comment letter, using the City's numbering and headings for ease of reference.

1. Alternatives

The City's letter offers several comments on the Draft Program EIR/EIS alternatives.

Alternatives Terminating in San Jose or Union City: Regarding the comment that the Authority should continue to consider alternatives that would terminate the HST system in either Union City or San Jose, the Authority carried several such alternatives into the Final Program EIR/EIS. Chapter 7 of the Final Program EIR/EIS synthesized that analysis for the following:

- Altamont Pass Network Alternative with San Jose Terminus
- Altamont Pass Network Alternative with Union City Terminus
- Pacheco Pass Network Alternative with San Jose Terminus

Chapter 8 of the Final Program EIR/EIS explained that terminating the statewide HST system at San Jose or Union City would not meet the Purpose and Need of the statewide HST system as follows:

A number of network alternatives clearly do not meet the purpose and need for the HST system. The Altamont Pass network alternative that terminates in Union City fails since it does not provide direct HST service to San Francisco, Oakland, or San Jose (the major Bay Area cities) nor does it provide interface with the major commercial airports. Also failing are a Pacheco Pass network alternative that terminates in San Jose and three Altamont Pass network alternatives that only serve one of the three major urban areas/centers. These four alternatives directly provide HST service to at most only one major Bay Area city and one of the region's major commercial airports.

At its meeting on July 9, 2008, the Authority concurred in this staff conclusion, finding that the network alternatives with a terminus in Union City or San Jose did not adequately meet the project purpose and need or primary project objective because they would serve none (for Union City terminus) or only one (for San Jose terminus) of the three major urban centers of the Bay Area and either none (Union City) or only one (San Jose) of the region's major commercial airports. (Bay Area to Central Valley High-Speed Train, CEQA Findings of Fact and Statement of Overriding Considerations (adopted in Resolution 08-01, July 2008).)

Addition of an I-280 Alignment Alternative: Regarding the comment that the Authority should add an additional alternative that would traverse a route generally along the I-280 corridor from San Jose to San Francisco, the Authority preliminarily considered an I-280 alignment, but eliminated it from detailed study in the Program EIR/EIS. The reasons for eliminating an I-280 alignment were summarized in chapter 2 of the Draft and Final Program EIR/EIS documents. Appendix 2G of the Final Program EIR/EIS (as well as the Draft) describes the reasons for eliminating this alignment in more detail as follows:

- **I-280 Alignment Alternative (Exclusive Guideway):** From San Francisco (Transbay Terminal or 4th and King Terminal Station), this alignment alternative would follow south along the I-280 freeway alignment to San Jose and be on an exclusive guideway in the I-280 corridor.

California High-Speed Rail Authority
Responses to Comments in City of Menlo Park Letter, 09/25/07
Page 2 of 7

This exclusive guideway alignment would have major construction issues involving the construction of an aerial guideway adjacent to and above an active existing freeway facility while maintaining freeway traffic. Limited right-of-way in this corridor would require the extensive purchase of additional right-of-way and nearly exclusive use of an aerial structure between San Francisco and San Jose. The portion within the City and County of San Francisco is fully developed, and connecting the alignment alternative to Diridon Station in San Jose would require a guideway passing through developed portions of downtown San Jose. These areas would require considerable property acquisition.

The I-280 alignment alternative would require many sections of high-level structures to pass over existing overpasses and connector ramps (in particular at interchanges with Routes 17 (580), 85, and 92), resulting in high construction costs and constructability issues that would make this alignment alternative impracticable. This alignment alternative would also require relocating and maintaining freeway access and capacity during construction. The aerial portions would introduce a major new visual element along the I-280 corridor that would have visual impacts (intrusion/shade/shadow) on the residential portions, nature preserves, and scenic areas for this alignment alternative. In addition, the freeway has substandard features (e.g., medians and shoulders) in many places, and it is assumed that any room that might be available for HST facilities likely would be used by Caltrans to upgrade the freeway in these areas. The considerable earthwork and retaining walls needed through Palo Alto and Woodside would have potentially significant impacts to nature preserves. The I-280 corridor would not allow a convenient connection to San Francisco International Airport from the south—the alignment alternative would have to leave the freeway corridor and pass through Hillsborough and Burlingame to provide access to the airport. For these reasons, the I-280 corridor is not considered to be a practicable alternative for HST service between San Jose and San Francisco.

The Authority ultimately concurred in this rationale, finding that this alignment was properly eliminated. (Bay Area to Central Valley High-Speed Train, CEQA Findings of Fact and Statement of Overriding Considerations (adopted in Resolution 08-01, July 2008).)

The Authority also notes that Caltrain is an established rail corridor serving population centers along the Peninsula, and this corridor offers the opportunity for complementary local, commuter, and statewide rail services to be fully integrated. The Caltrain JPB views the HST system as an opportunity to upgrade its services and improve this rail corridor.

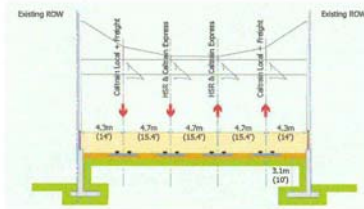
Construct HST System Underground Along Entire Peninsula: The City suggests that constructing the entire system underground through the Peninsula would reduce impacts. A tunnel alternative for the entire Caltrain Corridor (50 miles) would be impracticable because it would have major construction issues and high capital costs associated with constructing a tunnel below an active existing transportation facility, while maintaining rail traffic on the surface. While Caltrain's electrification plans could be compatible with such a tunnel option, freight service would likely remain on the surface for two reasons: (1) the freight railroad would not necessarily convert to electric locomotives; and (2) the freight railroad would need access to shippers who are at-grade and adjacent to the Caltrain right-of-way. Since Caltrain and freight services share track, this option is infeasible. Additionally, the Authority determined that tunnels over 12 miles in length are impracticable, because of constructability and cost issues. For these reasons, the lengthy tunnel did not merit consideration in the Program EIR/EIS. As discussed below, however, one or more tunnels or trenches of shorter length will be considered during the project-level environmental process.

California High-Speed Rail Authority
Responses to Comments in City of Menlo Park Letter, 09/25/07
 Page 3 of 7

2. Grade Separation

The City's letter includes comments about the information on grade separations in the Draft Program EIR, the potential for grade separations to cause impacts, and potential mitigation for such impacts in the form of a trench. The Draft Program EIR/EIS included information on grade separations along the entire Caltrain Corridor and within Menlo Park in Appendices 2D and 2E. The analysis in the Draft and Final Program EIR documents concluded that grade separations along the Caltrain Corridor would not adversely impact local traffic circulation and could reduce noise impacts. The Project EIR/EIS will further study at a greater level of detail the benefits and potential impacts of grade separations on Menlo Park and neighboring cities.

The Authority acknowledges the City's concern that grade separation by raising tracks could create a "walled effect" that might divide the City. The conceptual plan/profiles in the Draft Program EIR/EIS show the alignment through Menlo Park as "retained fill." Retained fill does not, however, mean that the height of the fill will by definition be significant or create a "walled effect." In some locations in Menlo Park, at the conceptual level for the Program Level document the elevation of the rails is approximately 10-15 feet higher than the existing land and the right of way required would be approximately 75 feet (see cross section below).



The precise alignment and profile options for the HST system in the Caltrain Corridor will be further evaluated and refined as part of the preliminary engineering and project-level environmental review and could include trench and/or tunnel concepts. Available right-of-way, effect on adjacent communities and costs will be among key factors considered as part of this review. Subject to this further more detailed study, use of a trench through Atherton and Menlo Park or other portions of San Francisco to San Jose segment may be a cost-effective approach and will, therefore, be evaluated during the next phase of the HST project. The Authority is aware of the various design and construction techniques that can be applied for development of a trench.

3. Electrification

The Authority acknowledges the City's concerns about the visual appearance of the overhead catenary power supply for the trains. The Program EIR/EIS considered the visual effects of the HST system along the Caltrain Corridor in Chapter 3.9. At a conceptual level of detail, the

California High-Speed Rail Authority
Responses to Comments in City of Menlo Park Letter, 09/25/07
 Page 4 of 7

Program EIR/EIS process concluded that the poles and wires associated with the electrification would not pose a "significant" visual impact. The visual impacts were rated "low," because the poles and wires of electrification would reinforce the linear form of the railway corridor. Still, the EIR described, and the Authority adopted, a mitigation plan that will be considered in the project-level EIR/EIS as follows:

- Use neutral colors and dulled finishes that minimize reflectivity for catenary support structures, and design them to fit the context of the specific locale. (Final Program EIR/EIS, § 3.9.6; Bay Area to Central Valley High-Speed Train, CEQA Findings of Fact and Statement of Overriding Considerations (adopted in Resolution 08-01, July 2008).)

Further, the Authority is committed to working with local agencies and communities during subsequent project-level environmental review to develop systemwide design elements that draw from the best practices worldwide and work at the project-level of design and analysis to develop context-sensitive aesthetic designs and treatments for HST infrastructure (overcrossings, bridges, tunnel portals, soundwalls, walls and fencing, stations, support facilities, etc.).

A more detailed review of the visual impacts associated with proposed improvements (including electrification) along the Caltrain Corridor will be performed during the project-level environmental review. The mitigation described in the Program EIR/EIS and adopted by the Authority, and potentially additional strategies, will be considered during the project-level environmental review process.

The Authority recognizes that plans for Caltrain's electrification are well under way. Further progress of the Caltrain electrification project will be taken into account in future project-level environmental reviews for the HST project in this corridor. The assumption at the Program Level was that there would be one, compatible catenary system that would serve both Caltrain and the HST system. This assumption could be reexamined at the Project level analysis.

The Caltrain / Peninsula Corridor Joint Powers Board supports the use of the Caltrain Corridor for HST service. The Authority and Caltrain have signed a Memorandum of Understanding to establish, among other items, a complementary train service plan effectively serving the local, regional, and statewide markets. Such a plan would optimize service levels to meet such markets, as is done in the European and Japanese markets.

4. Noise and Vibration Mitigation

The City's letter states that noise and vibration impacts from the HST system must be clearly identified and addressed. The Draft and Final Program EIR/EIS documents analyzed the potential for noise and vibration impacts in section 3.4 at a conceptual level using relevant criteria adopted by the FRA (U.S. Department of Transportation 2005), FHWA (U.S. Department of Transportation 1998), and FTA (Federal Transit Administration 2006), each of which has established criteria for assessing noise impacts. For purposes of CEQA, the EIR/EIS concluded that impacts were significant over the long-term from introduction of a new transportation system, but also noted that the HST would be traveling at reduced speeds and the Caltrain Corridor communities would benefit from grade separation improvements for existing services and electrification of the railroad. The EIR described the potential for noise barriers such as

California High-Speed Rail Authority
Responses to Comments in City of Menlo Park Letter, 09/25/07
Page 5 of 7

sound walls, trenches, or earthen berms to reduce noise impacts, and for track treatments to reduce vibration impacts.

A more detailed review of additional noise and vibration impacts associated with proposed improvements along the Caltrain Corridor will be performed during the project-level environmental review for the San Francisco to San Jose section. The mitigation strategies adopted by the Authority as part of the Program EIR/EIS process will be refined and applied as appropriate where noise impacts are found significant at the project level. The potential use of a trench for reducing noise impacts will be part of more detailed analysis.

While the program-level of analysis concluded that noise impacts on the Peninsula would be significant overall, a focused noise study in the Bay Area to Central Valley region (at Charleston Road in Palo Alto) showed the potential noise reduction benefits of eliminating horn blowing at a typical Caltrain grade crossing on the San Francisco Peninsula. Assessment of noise impacts from horns at grade crossings was performed with FRA's horn noise model and annoyance based criteria. The horn noise model indicated an 81% reduction in the number of people impacted within 0.25 mi (0.40 km) of that intersection by elimination of horn noise from commuter trains. Although the results vary depending on the local population density and proximity of residences and other sensitive land uses at each grade crossing, they illustrate the magnitude of the potential change to be expected if the sounding of horns and bells at existing rail crossings could be eliminated.

Removing all potential remaining horn noise would not necessarily eliminate HST noise impacts, however, because the sound of the trains would remain. The proposed HST would add its own noise to that of other trains using the railroad corridor. Carrying the focused study further, it was found that approximately 75% of the at-grade crossings to be eliminated with the proposed HST system are located adjacent to residential areas with a high potential noise impact rating. Thus, although there would be a clear benefit from the elimination of the horns and warning signals, there would be additional train noise and vibration primarily from the high train speed and frequency of service. In the project-level EIR/EIS, more detailed noise and vibration studies will determine whether the noise reductions associated with grade separations will reduce noise so significantly as to outweigh any increased noise from the new HST system.

5. Freight

The City expresses concern about the potential for increased freight as a result of the HST system creating grade separations along the Peninsula. The HST system along the Caltrain Corridor will share some trackage with Caltrain express commuter trains, but not with freight trains. The potential for freight traffic to increase along the Caltrain corridor is unclear. Freight rail services on the Peninsula are provided by Caltrain under a trackage right agreement. As mentioned above (Response to Comment number 3), the Authority and Caltrain are working together to develop a complementary train service plan. Caltrain will work with the freight services and others with regard to future freight activity on the corridor. The potential for freight service increase, if any, and the limits of that potential in the Caltrain corridor, will depend in part on the outcome of Caltrain's planning efforts. The study of possible freight service on the Dumbarton corridor was not within the scope of the program-level EIR/EIS for the HST system in the Bay Area to Central Valley. The Authority will examine the potential for increased freight service as part of the examination of cumulative impacts in the Project EIR.

California High-Speed Rail Authority
Responses to Comments in City of Menlo Park Letter, 09/25/07
Page 6 of 7

6. Funding

The City asks for a detailed cost/benefit and fiscal impact analysis and suggests it should be provided to voters prior to the November 2008 election. The feasibility of the High Speed Rail System was established by the California High Speed Rail Commission in 1996 thus leading to legislative and gubernatorial creation of the Authority later that year. The High Speed Rail Authority affirmed the financial feasibility of the system when it adopted its Business Plan in 2000, and its revised Business Plan in November of 2008. These documents include cost/benefit analyses and fiscal assessments and they demonstrate there is a significant financial benefit to building the project. In addition to the Business Plans, regional economic studies were published in October of 2008. Those studies also described the economic benefits of the High Speed Train System. All of those reports are available on the California High Speed Rail Authority website (www.calhighspeedrail.ca.gov). For your convenience, we enclose copies of both the 2000 and 2008 Business Plans.

On November 4, 2008, the voters of California voters approved Proposition 1A, providing bond funds to support the construction of the initial phase of the HST system between San Francisco in Northern California and Los Angeles/Anaheim in Southern California, consistent with the Authority's selected alignments that were approved in its statewide program EIR/EIS in 2005, and its Bay Area to Central Valley program EIR/EIS in 2008. The Authority seeks to share the costs of constructing the HST system, including the first phase supported by Proposition 1A funds, but also substantial funding from the federal government and local and regional agencies. In addition, the Authority seeks public/private partnerships that will utilize private capital funding for certain aspects of the HST system.

7. Other Environmental Impacts

The Authority acknowledges the City's comments regarding the level of detail about impacts from the HST system. The Authority received many comments expressing concern about the level of detail in the program EIR/EIS and seeking a far greater level of detail in the impacts analysis. For this reason, the Authority prepared Standard Response 2 in Volume 3 of the Final Program EIR/EIS, which explains the nature of a program-level of analysis and how additional detailed analysis will be provided in future, tiered environmental impact reports. For your convenience, we enclose a copy of that standard response. Potential impacts to trees, visual impacts and traffic circulation issues will all be studied in detail during the Project EIR/EIS. See standard response number 2 enclosed herein.

Attachments

After litigation commenced, the Authority acknowledges receipt of the following documents attached to the City's September 25, 2007, letter:

- A. City of Menlo Park comments and resolution on the first California High Speed Rail Program EIR/EIS dated August 26, 2004. (The Authority provided written responses to such letter as part of that document. The responses can be found as part of the Statewide Program EIR/EIS published in 2005. I enclose a copy of the response.)

California High-Speed Rail Authority
Responses to Comments in City of Menlo Park Letter, 09/25/07
Page 7 of 7

- B. City of Menlo Park comments on the Caltrain Electrification EIR/EIS dated May 24, 2004.
- C. City of Menlo Park comments on the Dumbarton Rail Corridor Project dated July 23, 2007.
- D. City of Menlo Park comments on the San Francisco Bay Area Regional Rail Plan dated August 29, 2007.

Additional Information

The Authority and its consultants met with the City of Menlo Park at its City Hall on January 7, 2009, to discuss the future environmental documentation process and invite attendance at the Scoping Meetings that were coming up at the end of January. At that meeting the Authority agreed to keep the City informed of material developments of the project and to check with the City regularly regarding the project. The Authority looks forward to working with the City on the project.

Comment Letter L018 (Kim Rook, Santa Clara County, April 2, 2010)

L018

Kris Livingston

From: Kim Rook [kim.rook@pln.sccgov.org]
Sent: Friday, April 02, 2010 3:02 PM
To: HSR Comments
Subject: HST Revised Draft Program/EIR

I would like to request a GIS or CAD file of the proposed Pacheco Pass Alignment route maps, sheets PP8-PP7, to assist in County review of the project. I was not able to find Sheets PP5, PP6, or PP7 within the Revised Draft Program EIR Materials on the website. Please let me know how to obtain the electronic files of the maps.

L018-1

Regards,
 Kim Rook
 Planner III
 Santa Clara County
 (408) 299-5790

Response to Letter L018 (Kim Rook, Santa Clara County, April 2, 2010)

L018-1

Additional correspondence has occurred since the submittal of the comment. Sheets PP5, PP6 and PP7 were not included in the 2010 Revised Draft Program EIR Materials as the sheets in question were not revised. The Sheets are available as part of the 2008 Final Program EIR.

Comment Letter L019 (Kathy McKeithen, Town of Atherton Office of the Mayor, April 12, 2010)**L019**

**Office of the Mayor
Town of Atherton**

91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0500
Fax: (650) 614-1212

April 12, 2010

Carrie Pourvahidi, Executive Director
California High Speed Rail Authority
925 L Street – Suite 1425
Sacramento, CA 95814

cc. Dominic Spaethling, Regional Manager
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Dear Ms Pourvahidi:

The Atherton Town Council and the Rail Committee are preparing comments regarding the Revised Program EIR/EIS. We respectfully request a 30 day extension of the comment period beyond April 26th, for the following reasons:

1. The rail project is the largest Public Works project ever in California, and the nation, and yet, the same minimum length of time for the public comment period has been set as would be applied to a project 1/100th its size. Some consideration should be given to the size and complexity of the project to allow for analysis and comment by the public and interested agencies.
2. The extension of time for the comment period will not in of itself lengthen the project schedule. The court has allowed work to continue on the project segments despite there is not a certified Program EIR.
3. Atherton is relying greatly on residents who have had relevant experience to do much of the analysis of the revised document. A single staff person is making an effort to pull all the information together into a cohesive document. Before the document can be released the City Council must approve it at its April 21st Council meeting. To do all this in time to meet the present deadline is an almost impossible task.
4. You have received verbal and written requests from other agencies asking for the same consideration of extending the deadline for the comment period.

Please grant our request so that we may participate fully in this important endeavor to the best of our ability.

If you or others have questions, please feel free to contact me or City Manager Jerry Gruber.

Sincerely,

TOWN OF ATHERTON

Kathy McKeithen
Mayor

cc: Town Council
Atherton Rail Committee

L019-1

Response to Letter L019 (Kathy McKeithen, Town of Atherton Office of the Mayor, April 12, 2010)

L019-1

The commenter requests a 30-day extension of the 45-day comment period provided for this document. Consistent with CEQA requirements, the Authority has provided a 45-day public comment period under CEQA, from March 11, 2010, to April 26, 2010. The Authority has not extended the comment period beyond April 26, 2010, however, the Revised Draft Program EIR Material has been publicly available since March 4, 2010, a week before the official 45-day public comment period commenced on March 11, 2010. The document has therefore been available to the public for a total of 52 days.

Comment Letter L020 (Kathy McKeithen, Town of Atherton, April 26, 2010)

L020

Kris Livingston

From: Duncan Jones [djones@ci.atherton.ca.us]
Sent: Monday, April 26, 2010 1:07 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments
Attachments: 042610CommentsEIR.PDF

California High Speed Rail Authority
 Attention: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Attached is the Town of Atherton's comment letter.

Duncan L. Jones, P.E.
 Public Works Director/City Engineer
 Town of Atherton
 91 Ashfield Road
 Atherton, CA 94027
 650.752.0532



Town of Atherton

91 Ashfield Road
 Atherton, California 94027
 650-752-0500
 Fax 650-688-6528

April 26, 2010

California High-Speed Rail Authority
 925 L Street, Suite 1425
 Sacramento, CA 95814

Subject: Comments on Bay Area to Central Valley High-Speed Train Revised Draft Program Environmental Impact Report Material

Ladies and Gentlemen:

The Town of Atherton has reviewed the *Bay Area to Central Valley High-Speed Train Revised Draft Program Environmental Impact Report Material*. An Atherton City Council Resolution stating the Town's position (adopted in 2004 and still applicable today) is attached, along with our previous letter on the original EIR/EIS dated October 25, 2007. We reiterate all of the issues raised in our original letter, many of which can affect the decision on the appropriate alignment for the HST project. We request that the Authority reevaluate each of these comments in light of new information available since the original DEIR was prepared.

L020-1

The court ruling in *Town of Atherton et al v. California High Speed Rail Authority* gave the Authority an excellent opportunity to "do it right". The "material" presented in the document we reviewed does not accomplish this lofty goal. Not only does it not respond to the court's ruling, it does not follow the requirements of CEQA. And most of all, it still does not adequately respond to the concerns of the people most affected. The public controversy over the alignments selected in the months since the court ruling should have resulted in a reevaluation of other alternatives, either another way to run the train up the Peninsula, and/or another route not on the Peninsula. The opportunity was there, and so far it has been missed.

L020-2

L020-3

The point of the EIR process and of CEQA is to come up with the best alternative, not to just do the absolute minimum to respond to the court's order. The court ruling specifically decertified the entire document, not just specific parts. The changes resulting from the parts focused on could very well result in different alternatives being preferred environmentally, as well as economically.

L020-4

Comment Letter L020 - Continued

Bay Area to Central Valley High-Speed Train
Revised Draft Program Environmental Impact Report Material
Comments
April 26, 2010
Page 2 of 10

In fact, the revised material entirely missed several elements of the court's ruling, specifically related to land use impacts and vibration, that apply to the entire corridor. Instead, they focused their analysis almost entirely on the San Jose to Gilroy segment. There is no analysis of these impacts on Atherton and our neighbors.

L020-5

To meet the requirements of CEQA, to respond to the voice of the people of the Peninsula, and to "do it right", the Draft Environmental Impact Report should be reevaluated in light the court's order and the new information, republished in its entirety and recirculated for a *de novo* public comment period.

L020-6

Our staff, our Rail Committee and our City Council have the following specific comments, both on the material presented, and on the program for the Bay Area to the Central Valley as a whole:

DEIR MATERIAL

Land Use Impacts

First and foremost the material presented does not respond to the court's ruling with respect to land use impacts. Referring to land acquisition on the Peninsula, specifically in Atherton, the ruling states: "The need for the taking of additional property...will be required to be analyzed." The materials presented do not do this.

L020-7

The consultants preparing the response have misread the court's ruling and focused entirely on the UPRR issue, mostly from San Jose to Gilroy. However, the court's ruling clearly states that "the need to acquire additional property [on the Peninsula] is a related issue that will be required to be analyzed". To read this otherwise detracts from the fact that the court was discussing the response to Atherton's comment and the CEQA finding that the "HST tracks were expected to fit within the Caltrain right of way". They were referring to the UPRR issue elsewhere in the ruling, and stating that land use impacts on the Peninsula needed to be re-analyzed along with the UPRR issue. The consultants entirely missed this point also.

On Page 3-3, section 3.2.2 discusses the San Francisco to San Jose Corridor, buried under the heading of "No Access to UPRR Rights-of-Way", ignoring that Peninsula land use impacts are not necessarily related to the UPRR issue, but are an issue requiring a separate and distinct analysis. The half-hearted attempt made to dismiss this issue, using minimizing words such as "predominantly within the PCJPB right-of-way", "mostly within the public right of way" and "need for limited property acquisition" does not satisfy the court-ordered analysis. There is not a single description of these property impacts, how much property or where they are. The section does state that property impacts moved from low to "low and medium", but without any further analysis. This does not comply with the court order.

L020-8

We now know that the HST tracks will not fit within the Caltrain right of way on much of the Peninsula. Current project level studies are clear that additional right of way will be required

L020-9

Bay Area to Central Valley High-Speed Train
Revised Draft Program Environmental Impact Report Material
Comments
April 26, 2010
Page 3 of 10

throughout the Peninsula, not only for the four tracks, but also for temporary detours or "shooflys", for reconfigured Caltrain stations and for realigned local roadways. The concept of shared tracks with Caltrain has been eliminated from consideration, as presented in the recently released *Alternatives Analysis Report for the San Francisco to San Jose Section*, April 2010, although it was a primary basis for the land use findings in the original DEIR. That report, on page 4-2 states "Under normal operating conditions, HST is assumed to operate predominantly on two mainline tracks and Caltrain is assumed to operate predominantly on the other two mainline tracks." This is not "shared use", it is exclusive use even though connections are available for use under abnormal conditions. This new information, available at the time the new material was prepared, should have been considered and should have caused the entire land use section to be reevaluated. This is what the court ordered. The reevaluation of land use impacts should result in a renewed look at the route alternatives, because the land use impacts would be considerable.

L020-9
cont.

The concept that the HST would share tracks with Caltrain was one of the primary bases for the elimination of the US-101 and I-280 alternatives. Such a basis should not have been used in the first place, but now that new information has come to light, those route alternatives should be reevaluated in sufficient detail to determine if they are the better way to run HST up the Peninsula. More on this below.

L020-10

Monterey Highway

The issues around placing the HST within the Monterey Highway right-of-way are numerous and complex, resulting in additional potentially significant impacts, including traffic impacts to the Monterey Highway and other impacts to adjacent properties. These impacts, when combined with the impacts of the remaining portions of the corridor, should be reevaluated in total to determine if the Pacheco Route alternative is the least impacted corridor.

L020-11

In addition, the HST through this corridor may not be able to achieve the high speeds required to achieve the required 2:42 travel time from Los Angeles to San Francisco. A further note is that this alignment is longer than the Altamont alternative, so any loss of time will jeopardize compliance with the requirements of AB 3034. A Peninsula alignment using I-280 could be designed to achieve higher speeds than on the Caltrain corridor, making up for the time lost on the Monterey Highway and the longer Pacheco alignment.

L020-12

Vibration Impacts

The court's ruling also required a revised analysis and finding of vibration impacts. This ruling has been completely ignored in the materials we reviewed. This is just one more reason why this effort needs to be rejected by the Authority and redone in compliance with the court's ruling and with CEQA.

L020-13

Comment Letter L020 - Continued

Bay Area to Central Valley High-Speed Train
Revised Draft Program Environmental Impact Report Material
Comments
April 26, 2010
Page 4 of 10

PROGRAM LEVEL EIR – CALTRAIN CORRIDOR

Use of Caltrain Corridor

As previously discussed in our letter of October 25, 2007, high speed rail along the Caltrain corridor is not necessary or desirable. In fact, the devastation which would be wreaked upon Peninsula cities by construction of a high speed rail line through the narrow Caltrain corridor would be considerable. The initial premise that HST would share tracks with Caltrain has proven to be unworkable, but the study never took the appropriate step back to determine if there was a better alternative based on this significant change in the underlying premise.

L020-14

The Draft EIR did not consider and the revised material does not revise the DEIR to reflect the impacts of dedicated HST tracks. It therefore does not include the significant associated costs and environmental impacts of alternatives involving dedicated HST tracks within the Caltrain right of way. Additional considerations must include:

- Land acquisition for wider right of way and dedicated boarding platforms
- Additional trackage including temporary “shoo-fly” tracks
- Wider tunnels where required
- Wider trenches where required
- Additional costs to elevate or depress tracks
- Grade separations spanning additional tracks
- Additional electrification system costs
- Additional signal system costs
- Additional station costs for more tracks and boarding platforms
- More tree removal
- More adverse visual and community impact
- Additional construction disruption

L020-15

The analysis of dedicated track impacts should not be deferred to a subsequent project level environmental and cost analysis since its results could then indicate that the prior selection of a preferred alternative was wrong. The various alternatives on the Peninsula that do not use the Caltrain Corridor, and that could result in lesser impacts when studied at the project level, including the US-101 and I-280 routes, should remain in the range of alternatives so that they can be studied at the project level.

L020-16

Heritage or Significant Trees

With dedicated HST tracks, the High-Speed Train system would have considerably more impact to trees in the Peninsula urban area than the shared track concept of the DEIR and the Caltrain electrification project. There are a considerable number of mature and heritage trees along the corridor, especially in the Town of Atherton, that will be impacted by the project. Replanting

L020-17

Bay Area to Central Valley High-Speed Train
Revised Draft Program Environmental Impact Report Material
Comments
April 26, 2010
Page 5 of 10

cannot possibly mitigate for the loss of trees, many of them heritage oak trees that have been growing for hundreds of years. These impacts should be avoided where possible by evaluating alternative alignments that do not use the Caltrain Corridor.

L020-17
cont.

The Final EIR response to our comment that “no trees need to be removed to add two tracks to the existing line” is a factually incorrect statement in light of the studies that have already been done for Caltrain Electrification. Those studies showed that tree removal was needed just to add electrification to the existing two-track system. Adding two more tracks, also with electrification, will impact many more trees. Right of way acquisition to widen the narrow right of way will impact all the trees on the acquired land. Electrified shoo-fly tracks, even on temporary construction easements, will require even more removal of heritage trees, which cannot be adequately replaced after the easement is no longer needed. These impacts have not been appropriately minimized, and are an extremely significant impact on the Peninsula that can be avoided by other route alternatives.

L020-18

Right of Way Impacts

Property on the Peninsula is some of the most valuable property in the country. A right of way cost for 10 acres of land at \$16,500,000 will be completely inadequate, considering that houses on small lots (less than ¼ acre) sell for over \$1 million, and especially in light of the severance damages that are likely when taking a portion of a larger property. The costs of this acquisition need to be accurately estimated. More critical are the impacts to the residents and businesses that must continue on the remainder properties after the project is constructed, and the associated damages to be paid to the remainder. A true evaluation of these environmental, social and economic impacts alone could and should lead to the selection of a different preferred route, either on the Peninsula or off the Peninsula.

L020-19

Other Impacts

Many other impacts were addressed in our October 25, 2007 letter. Those comments still apply, and the responses received at the time were either inadequate, factually incorrect, contradictory or responded to different questions than the ones asked. A thorough reevaluation of these impacts, in the process of recirculating a full Draft EIR, should result in a proper evaluation of and response to the comments made by cities and their professional staff, and the evaluation of other route alternatives, either at the program level or retaining them for consideration at the project level.

L020-20

Peninsula Alignment using the I-280, I-380 or US-101 Corridors

While we support the Altamont alignment for high speed rail (see below), if the southerly Pacheco route is ultimately chosen for high speed rail, an analysis should be made of continuing the high speed rail line from San Jose to San Francisco either via the East Bay and a new trans-bay tube (for the reasons stated in our October 25, 2007 letter) or along the I-280, I-380 or US-

L020-21

Comment Letter L020 - Continued

Bay Area to Central Valley High-Speed Train
Revised Draft Program Environmental Impact Report Material
Comments
April 26, 2010
Page 6 of 10

101 Corridors. These alternatives have the potential to avoid considerable significant impacts to the Peninsula.

The I-280 corridor offers innumerable advantages over the Caltrain corridor in terms of land use and other environmental impacts and construction costs. The 101 corridor also has many of these benefits over the Caltrain corridor. Either alignment avoids the dramatic impacts to the established residential communities and commercial establishments along the Peninsula Caltrain corridor.

We refer you to a report titled *Evaluation of an Alignment for the Californai High Speed Rail project Bay Are to Central Valley Segment* prepared by *setec ferroviaire* and submitted to the CHSRA as a part of the California Rail Foundation's comments. That study clearly shows the benefits of the 101 corridor over the Caltrain corridor from Redwood City to South San Francisco. The same benefits accrue if the 101 corridor is used from San Jose to Redwood City. In fact, there are no curves between Redwood City and San Jose on the 101 corridor that would restrict train speed. The 101 corridor could be directly connected to the San Francisco International Airport people mover, instead of transferring from HST to BART at the Millbrae station and then having to connect from BART to the people mover to access the airport terminals. A connection from Diridon station to 101 could feasibly include a direct connection to San Jose international Airport as well, a connection benefit not available on the Caltrain corridor.

Construction along either corridor would have considerable less impact upon Peninsula towns, could be easily accomplished while maintaining freeway traffic, and would have no impact upon Caltrain operations. It would not be nearly as difficult as attempting to construct additional tracks, overhead catenaries and grade separations in the Caltrain corridor while maintaining Caltrain operations.

The Final EIR response to our comment to consider these corridors was that "The Caltrain JPB views the HST as an opportunity to upgrade its services and improve the rail corridor." This is not an appropriate response, and does not address the comment. The public who are the residents of the cities on the Peninsula and own the Caltrain right-of-way do not want the corridor upgraded in the fashion envisioned by the HST project. Neither should the Authority consider or care what the JPB wants for their system when considering the environmental impacts of the HST project.

The I-280 and US-101 alignments were improperly eliminated from further consideration (as described in Appendix A to the DEIR). Failure to fully evaluate these less intrusive alternatives is a significant deficiency in the DEIR that was not remedied in the revised material. It should be noted that most other segments of the HST project have alternative alignments taken to the project level for evaluation. The Peninsula corridor should have these alternative alignments studied in more detail at the project level. The program level document should provide for this.

L020-21
cont.

L020-22

L020-23

L020-24

L020-25

Bay Area to Central Valley High-Speed Train
Revised Draft Program Environmental Impact Report Material
Comments
April 26, 2010
Page 7 of 10

We note that the Alternatives Analysis (AA) recently released contains several more "reasons" why the I-280 and US-101 alignments should not be considered further, however most relate only to the cost of the system interfacing with highway curvature, grades and bridges. Many of these same issues are present on the Caltrain corridor, where curvature is not sufficient for high speeds, grades to meet the needs of the communities on the Peninsula will approach HST maximums, and bridges across the Caltrain tracks will require expensive modifications. The AA also contains two paragraphs about environmental effects, showing that these have not been thoroughly studied sufficient to make a comparison of environmental effects with the Caltrain alignment. The relative environmental impacts and costs of the alternatives need to be evaluated and compared before such a decision is made.

And finally, the AA repeats the goal to connect the HST with Caltrain and the Caltrain stops. But this is not the goal of the HST, the goal of the HST is to get from San Francisco to Los Angeles. A mid-Peninsula station is not essential to this goal (and is not included in AB 3034), as Peninsula riders can take a Caltrain express train to San Jose and transfer to the HST express to Los Angeles (which they would have to do anyway if they took the Caltrain Corridor HST or face stopping at every station on the way to LA). And if the airport is important (it is not included in AB 3034 as a mandate), the line can reconnect with the Caltrain corridor via I-380 and an airport connection can be provided with BART from the San Bruno station.

PROGRAM LEVEL EIR – ALTAMONT CORRIDOR

Ridership

New information has come to light after the DEIR and the court order that reflects that the ridership model on which the route selection was based may have changed. The CHSRA Business Plan contains different ridership than that on which the original DEIR was based. This outstanding issue has still not been resolved, and is pending a new peer review by UC Berkeley ITS. Predicating a route selection on non-vetted ridership numbers is premature.

The court ruling approving the route selection was based on the model having been peer reviewed. New information indicates that the model was changed after the peer review. This essentially voids the court's ruling that the route selection based on this model was adequate.

An EIR based on data known to be obsolete or incomplete is invalid. To avoid further litigation on this issue, a ground-up reevaluation of the ridership for all feasible alternatives needs to be conducted.

A number of experts in the field have looked at the ridership numbers and challenged them, including the California Legislative Analyst's Office. Independent analysis conducted in response to the revised material show that the demand estimates used in the ridership studies are three to five times greater than that planned and realized on European and Japanese systems.

L020-25
cont.

L020-26

Comment Letter L020 - Continued

Bay Area to Central Valley High-Speed Train
Revised Draft Program Environmental Impact Report Material
Comments
April 26, 2010
Page 8 of 10

Corrected ridership projections could easily show that a different number of tracks are needed on the Peninsula, or that the Altamont corridor with an East Bay link is more appropriate. A different alignment choice may even be needed to generate sufficient ridership to make the HST project viable.

Revised ridership figures may also show that a true shared use corridor on the Peninsula could work, with HST trains and Caltrain trains sharing the existing tracks between San Jose and San Francisco (with sufficient improvements, i.e., to curves, to bring the travel time down to the mandated 31 minutes). A different operating paradigm may bring the project costs more in line with budget availability and reduce environmental impacts and the associated mitigation costs.

East Bay Link

A route alternative using the Caltrain right of way will take passengers away from Caltrain, negating the need for a Caltrain "Baby Bullet" by providing redundant service. Even non-Caltrain Peninsula routes will divert riders from Caltrain. The HST may get the riders, but at the expense of Caltrain, a zero sum gain. This diversion of riders from an existing marginally operating system could well cause the Caltrain system to fail from lack of farebox revenue.

Providing HST service in the East Bay and/or the Altamont Corridor will not duplicate existing service, because no express service currently exists there. BART and ACE will continue to provide local service, with complementary HST service. HST can provide more timely express service to the Bay Area from the more remote areas to San Jose and San Francisco and provide service from other cities that BART and ACE do not serve, significantly enhancing ridership if those corridors are used. More of those riders would come from I-580 and I-880 vehicle traffic, rather than from the local transit services, a desirable outcome.

Altamont Pass Alignment

As commented in our letter of October 25, 2007, the Altamont Pass Alternative has the unique benefit that it could avoid the Town of Atherton and other Peninsula cities completely. The impacts of High Speed Rail to every Peninsula city will be as great, if not greater, than the impacts to Atherton. As stated before, Caltrain already provides Baby Bullet service on the Peninsula, so providing a redundant service on the Peninsula is inferior to providing a new express rail service in the East Bay.

The San Jose to Oakland corridor is also a specified corridor in the AB 3034 list of corridors. As such, it should merit equal consideration. The response to our comment on the DEIR did not indicate this had been studied at all, despite the Metropolitan Transportation Commission's recommendation that a second tube between Oakland and San Francisco is needed.

The revised material evaluated several Altamont alignment alternatives, all using the UPRR right of way. These were not the appropriate alternatives to be used in this evaluation, because those

Bay Area to Central Valley High-Speed Train
Revised Draft Program Environmental Impact Report Material
Comments
April 26, 2010
Page 9 of 10

rights of way are not available for HST use any more than the San Jose to Gilroy line. Meanwhile, studies are already underway of non-UPRR alignments for the Altamont corridor, such as utility corridors and highway corridors. A revised DEIR needs to evaluate those alternatives and revisit the preferred alternative.

The Atherton City Council, by unanimous vote in 2007, strongly recommended that the Altamont Pass Alternative be selected, with service to San Francisco via an additional tube under the Bay between San Francisco and Oakland, and that the Peninsula Caltrain Corridor not be used for High Speed Rail. This recommendation, based on the new information now available, continues to be strongly supported.

CONCLUSION

The *Bay Area to Central Valley HST Draft Program EIR/EIS for the Proposed California High-Speed Train System* and the subsequent *Bay Area to Central Valley High-Speed Train Revised Draft Program Environmental Impact Report Material* do not adequately address the potential environmental impacts to the San Francisco Peninsula that could be avoided or minimized by use of appropriate alternatives. The responses to comments in the Final EIR did not adequately respond to Atherton's comments. The revised material does not adequately address the changed conditions, new information and the mandate of the court order.

The Authority needs to revisit the alignments being considered, including several that have been previously suggested, and are suggested again here, but were not fully and sufficiently considered, and select those that avoid significant impacts to the maximum extent possible.

If sufficient studies and evaluation have not been made at the program level to narrow the route alternatives, and further studies at the project level would be more appropriate to selecting a final route alternative, all feasible route alternatives, i.e., from San Jose to San Francisco or from the Central Valley to San Francisco, should be retained until such further studies can be performed at the project level. A valid alternative should not be removed until sufficient data has been developed and studied to adequately make such a determination.

Please address the above comments by directing your staff and consultants to appropriately consider the order of the court, to reopen route alternatives that were closed prematurely, to adequately consider all comments submitted by the cities on the Peninsula and to revise and recirculate a revised DEIR.

Town staff welcomes the opportunity to meet with your team to discuss these comments.

Thank you for your consideration.

L020-31
cont.

L020-32

L020-33

L020-34

L020 35

L020-36

L020-37

L020-26
cont.

L020-27

L020-28

L020-29

L020-30

L020-31

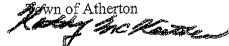
Comment Letter L020 - Continued

**Attachment A
Included in
L020-1**

Bay Area to Central Valley High-Speed Train
Revised Draft Program Environmental Impact Report Material
Comments
April 26, 2010
Page 10 of 10

Sincerely,

Town of Atherton



Kathy McKeithen
Mayor

Attached: Atherton City Council Resolution 07-26
Letter of October 25, 2007



Town of Atherton

91 Astfield Road
Atherton, California 94027
650-752-0500
Fax: 650-688-6528

October 25, 2007

California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Subject: Comments on California High-Speed Train (HST) Draft Program EIR/EIS
Bay Area to Central Valley

Ladies and Gentlemen:

The Town of Atherton has reviewed the Bay Area to Central Valley HST Draft Program EIR/EIS for the Proposed California High-Speed Train System. An Atherton City Council Resolution stating the Town's position is attached. Our staff, our Rail Committee, and our City Council have the following comments:

ALIGNMENT

Altamont Pass Alignment

For the reasons discussed below, high speed rail along the Caltrain corridor is not necessary or desirable. In fact, the devastation which would be wreaked upon Peninsula cities by construction of a high-speed rail line through the narrow Caltrain corridor would be immeasurable.

The Altamont Pass Alternative has the unique benefit that it could avoid the Town of Atherton completely. This is not just parochial. The impacts of High-Speed Rail to every Peninsula city will be as great, if not greater, than the impacts to Atherton. Caltrain already provides Baby Bullet service on the Peninsula, so providing a redundant service on the Peninsula is inferior to providing a new express rail service in the East Bay (BART and Amtrak do not provide express service in the East Bay).

We strongly support the proposal in the Metropolitan Transportation Commission's (MTC) Regional Plan for an additional tube under the Bay between San Francisco and Oakland to provide additional capacity for BART and to service high-speed and other rail

Comment Letter L020 - Continued

Attachment A
Included in
L020-1California High-Speed Train
Bay Area to Central Valley
Draft Program EIR/EIS Comments
October 25, 2007
Page 2 of 11

lines. The proposal to bring high-speed rail across the Dumbarton Bridge, south to San Jose, and north to San Francisco with an under-bay connection to Oakland is illogical in that it runs the trains significantly farther, crossing the bay twice, to reach San Francisco and Oakland. A far better proposal would be to bring a high-speed line through Altamont directly to San Jose on the east side of the San Francisco Bay, with another high-speed line heading north from the Altamont Pass to Oakland and through the new trans-bay tube to San Francisco.

At best, if the HST were in the Caltrain corridor, the Peninsula would be served only by the "local" version of high-speed rail. Any passenger on the Peninsula desiring to reach Southern California by express high-speed rail service would have to transfer at San Jose. Instead, the Peninsula should rely upon Caltrain as the means for Peninsula riders to reach either San Francisco or San Jose as a starting point for express travel to Southern California.

If a new trans-bay tube is not included, the High-Speed Train line can cross the Bay on the Dumbarton rail line and enter the Caltrain corridor at Redwood City, serving San Francisco only on the west side of the Bay north from Redwood City. Train service through Atherton would be only the Caltrain service, which would provide connecting service to a High-Speed Rail station. At least half of the Peninsula cities would be avoided under this scenario.

The Atherton City Council, by unanimous vote, strongly recommends that the Altamont Pass Alternative be selected, with service to San Francisco via an additional tube under the Bay between San Francisco and Oakland, and that the Peninsula Caltrain Corridor not be used for High-Speed Rail. If the Altamont Pass Alternative is selected without the additional tube, then the Authority should reconsider a three-way train split in the East Bay with service to Oakland, San Francisco and San Jose from the East Bay junction.

SHARED CALTRAIN TRACKSSchedule Conflicts

All alternatives involving the Caltrain Corridor assume that High-Speed Trains share tracks with Caltrain commuter trains. This assumption is fundamental to the costs and environmental impacts of Caltrain Corridor alternatives. However the validity of this assumption does not appear to be substantiated by analysis or simulations of operational feasibility. Caltrain and HST are two separate autonomous entities serving different markets. Caltrain and HST would each want and need control over scheduling and dispatching of their own trains in order to best serve the needs of their riders. Sharing tracks would involve inevitable basic scheduling and dispatching conflicts plus frequent

Attachment A
Included in
L020-1California High-Speed Train
Bay Area to Central Valley
Draft Program EIR/EIS Comments
October 25, 2007
Page 3 of 11

problems when determining priorities in response to emergencies, breakdowns and other train delays of either entity.

The Caltrain Strategic Plan Build-Out Scenario for 2023 calls for 138 daily weekday trains, including 87 express and limited trains, many of which would probably be competing for space on the same tracks as HST trains if tracks were shared. The HST Business Plan Timetable Example for 2020 shows 116 weekday trains to and from San Francisco. Caltrain future plans include providing capacity for 10 trains per hour in each direction during the weekday 3-hour morning and evening peaks. The HST Timetable Example shows 7 weekday trains per hour in each direction during morning and evening peaks. There does not appear to be any analysis showing whether the number and frequency of Caltrain and HST trains can be accommodated on shared tracks, or how they might be scheduled and dispatched. How could multiple Caltrain Baby Bullet or Limited trains with 4 to 8 station stops between San Francisco and San Jose share a track with multiple 120 mph non-stop HST train between San Francisco and San Jose? These multiple trains would be departing at frequent intervals during each peak hour.

Dedicated Tracks

Shared tracks appear to be completely infeasible. The best possible way to avoid the many potential conflicts would be for HST to have its own completely dedicated tracks. The need for dedicated tracks has been the HST position for many years and forcefully articulated by board member Dividen at HST board meetings and other public meetings. It is surprising that the Draft EIR/EIS now assumes HST tracks shared with Caltrain tracks without supporting analysis or explanation.

Caltrain now has at least two tracks along its right of way between San Francisco and San Jose. Some segments have 3 or 4 tracks to provide for needs such as Baby Bullets passing other slower (mostly local) trains. Caltrain's Footprint Study has indicated a future need for 3 or 4 tracks throughout much of its right of way. If HST shared right of way (but not tracks) with Caltrain it would need at least two of its own dedicated tracks. Therefore, the future right of way would need to accommodate a total of 5 or 6 tracks, possibly more in some segments, between San Francisco and San Jose. The right of way would have to be widened significantly throughout much of its length, requiring extensive high value land acquisition. The Draft EIR/EIS states that the HST corridor from San Francisco to San Jose would be built mostly within the existing Caltrain corridor. This statement would be incorrect with dedicated HST tracks.

Dedicated Platforms

Dedicated tracks would also require dedicated boarding platforms at all stations served by both HST and Caltrain. This would require further high value land acquisition at common station sites. Most if not all of these station would be grade separated, requiring

Comment Letter L020 - Continued

Attachment A
Included in
L020-1

California High-Speed Train
Bay Area to Central Valley
Draft Program EIR/EIS Comments
October 25, 2007
Page 4 of 11

expensive accessibility provision for the added platforms, since obviously at-grade pedestrian crossings of any track would be unacceptable.

Impacts Not Evaluated

Since the Draft EIS/EIR does not consider dedicated HST tracks it does not include the significant associated costs and environmental impacts of alternatives involving the Caltrain right-of-way. Additional considerations must include:

- Land acquisition for wider right-of-way and dedicated boarding platforms
- Additional track age including temporary "shoo-fly" tracks
- Wider tunnels where required
- Wider trenches where required
- Additional costs to elevate or depress tracks
- Grade separations spanning additional tracks
- Additional electrification system costs
- Additional signal system costs
- Additional station costs for more tracks and boarding platforms
- More tree removal
- More adverse visual and community impact
- Additional construction disruption

These impacts should be addressed before reaching a decision on the preferred route since their consideration could affect the outcome. The analysis of dedicated track impacts should not be deferred to a subsequent project level environmental and cost analysis since its results could then indicate that the prior selection of a preferred alternative was wrong.

IMPACTS

Even without the dedicated tracks and platforms issues, the following impacts of HST on the Peninsula are inadequately addressed in the EIR/EIS in evaluating the alternative alignments for the HST. Correctly addressing these impacts would require an analysis of appropriate avoidance alternatives or mitigation. It should be noted that in an environmental setting, alternatives to avoid environmental impacts should be addressed before mitigation is considered.

Visual and Noise

The two most extreme impacts of a High Speed Rail system on the Peninsula will be noise and visual impacts from an elevated electrified 120 mph train. The project proposes steel wheel steel rail technology. Regardless of how well constructed the project, the trains will make considerable noise as they pass through residential communities within

Attachment A
Included in
L020-1

California High-Speed Train
Bay Area to Central Valley
Draft Program EIR/EIS Comments
October 25, 2007
Page 5 of 11

yards of people's bedrooms. And so long as the train is proposed to be elevated on retaining walls or berms, noise will propagate farther. Elevated electrified tracks will be a visual blight on the area, certainly not a "Low" impact as shown on Table 3.9.1. However, should noise walls above already elevated tracks be considered as mitigation for the noise, they would be an extremely significant permanent and oppressive visual presence 24 hours per day, seven days per week. If HST on the Peninsula is selected, a trench alternative, discussed below, would avoid impacts rather than attempting to mitigate them with features that themselves cause additional impacts.

It should be noted also that in Section 3.4.1B the HST is attempting to take credit for eliminating horn noise at grade separations to offset the noise of the HST on the Caltrain Corridor from San Francisco to San Jose. However, most cities on the Peninsula, in cooperation with the current Caltrain grade crossing safety project, will create quiet zones under the new Federal Railroad Administration (FRA) regulations to eliminate the sounding of train horns at all crossings. The designs for the supplemental safety measures needed for a quiet zone in several Peninsula cities are currently at the 65% level and expected to be constructed next summer. Therefore, when HST begins project level environmental review, train horns will have already been eliminated. This adjustment for existing train horn noise should be removed from the screening criteria on the Peninsula corridor, and should be reconsidered statewide as more and more cities are implementing quiet zones.

Likewise Caltrain is already well underway with plans to electrify their system on the Peninsula corridor. HST should therefore not adjust noise impacts for reduction of diesel locomotive noise that will be eliminated before HST is a reality.

Quiet zones and electrification should be included in the No Project alternative, and impacts evaluated based on comparison of the No Project alternative to the project alternatives. This will show that the noise impacts of HST, especially on elevated tracks, should be rated as having a high level of potential noise impacts, not a medium level, and those impacts will be significant unless avoided or mitigated.

The combined visual blight of noise walls to mitigate noise and electrification catenaries could be overwhelmingly significant, unless measures are taken to avoid the impacts. Choosing a lower impact alignment, such as a different corridor, is most effective. If the Peninsula Caltrain corridor continues to be considered, noise walls can be eliminated by the trench alternative, mentioned below. There is also an opportunity, with grade separations, to eliminate the visual impacts of the electrification catenaries.

Catenary Visual Impact

The High-Speed Train system is proposed to be an electrified system with overhead catenaries. These wires and their supporting poles will be a significant visual impact on

Comment Letter L020 - Continued

Attachment A
Included in
L020-1California High-Speed Train
Bay Area to Central Valley
Draft Program EIR/EIS Comments
October 25, 2007
Page 6 of 11

the entire Peninsula rail corridor and particularly on the Town of Atherton where there are a significant number of residential properties abutting and near the tracks. Considerable funds have been expended in this Town and in many Cities along the corridor to underground overhead utility wires to rid the cities of the blight created by the proliferation of overhead wires and poles. Adding electrification wires for the High-Speed Train System would be a major step backwards from a visual aesthetics standpoint. To state that "their primary visual impact is low, much like power poles along a highway" is entirely missing the point of the extensive Rule 20 program undertaken by the California Public Utilities Commission and the power companies to underground the power poles along the highways of the state.

Alternatives to avoid this impact should be discussed at the program level. Advanced track and train technologies should be considered that would allow the trains to operate with a third rail through urban areas where the visual impacts would be severe. A grade separated rail system through the Peninsula corridor would allow the use of a third rail, avoiding the visual and tree impacts that an overhead system would cause. These impacts are significant and are applicable throughout the Peninsula corridor; therefore, it should be addressed at the program level.

Heritage or Significant Trees

The Caltrain electrification EIR and arborist report determined that approximately 80 trees in Atherton would need to be removed. On the Caltrain corridor, 1,727 trees would need to be removed for electrification alone. The High-Speed Train system would have considerably more impact to trees in the Peninsula urban area than the Caltrain electrification project. There are a considerable number of mature and heritage trees along the corridor, especially in the Town of Atherton, that will be impacted by the project. Replanting cannot possibly mitigate for the loss of trees that have been growing for hundreds of years. These impacts should be avoided where possible by evaluating alternative alignments that do not use the Caltrain Corridor.

Right of Way Impacts

Property on the Peninsula is some of the most valuable property in the country. Some condemnation of property is unavoidable to construct the HST system, possibly considerably more than indicated in the EIR/EIS (see discussion of Shared Caltrain Tracks, above). The costs of this acquisition need to be accurately estimated. More critical are the impacts to the residents and businesses that must continue on the remainder properties after the project is constructed.

These properties will need to live forever with increased noise and visual impacts, without the mature trees that have grown up over the past decades to screen the tracks. The remainder damages to pay for these impacts could easily be in excess of the value of

Attachment A
Included in
L020-1California High-Speed Train
Bay Area to Central Valley
Draft Program EIR/EIS Comments
October 25, 2007
Page 7 of 11

the entire property. The Authority needs to realize that the project will be responsible for these damages, and understand the rule of law that does not allow condemnation of the remainder unless it is needed for the project. Condemnation to limit the remainder damages is not sufficient to support the taking. Considering that every property on the Peninsula bordering the tracks may require a strip taking (see discussion of Shared Caltrain Tracks above), these right-of-way costs could exceed the cost of constructing the project. The Authority needs to take a close hard look at what a Peninsula project will cost, and the EIR/EIS needs to adequately reflect the impacts and hardships that will be visited on Peninsula homes and businesses by the project.

Cultural (Historic) Resources and 4(f) (Park) Resources

The addition of widened tracks, retaining walls and catenary poles immediately adjacent to the historic Atherton train station would have a direct and adverse impact on the historic train station and its site. Note that the station was restored in 1913, but the original station was constructed in 1866. The Atherton station was omitted from the listing of historic buildings in section 3.9, and the discussion relative to station buildings dominating the vista is inapplicable to Atherton. The test is not whether the structure itself must be modified, and not whether the existing structure (or tree in the case of El Palo Alto) dominates the vista, but whether the site and context is modified. The test is also not whether it is adverse, but whether the adverse impact is significant. Impact on historic stations, buildings and landscapes will be a significant issue throughout the Peninsula. Historic Station impacts need to be appropriately addressed, with significance determined in accordance with standard historical guidelines.

The widened tracks, retaining walls, poles and wires, and the removal and trimming of screening trees will have a significant impact on Holbrook-Palmer Park, which abuts the project right-of-way. Not only is the park a public recreation area, it is also a cultural resource, containing several historic buildings. The entire park property is the site context for the historic buildings. Impacts to Holbrook-Palmer Park, both as a 4(f) resource and as a cultural (historic) resource need to be appropriately addressed.

The EIR/EIS states that mitigation can include alignment shifts to miss resources, relocation of resources including replacement parkland, noise barriers and visual screening. However, it states that shifts to miss one resource may impact another and that noise barriers can create adverse visual impacts. In such cases, mitigation may include cut and cover (similar to the trench discussed later in this letter, but with the track covered through the sensitive areas). In Atherton all these concerns apply. Additionally, the grade separations required to raise or lower the roadways would impact the cultural and 4(f) (Park) resources within Atherton as well as many adjacent properties. The High-Speed Train project should identify and consider avoidance or mitigation options through the Atherton station historic area and the Holbrook-Palmer Park area.

Comment Letter L020 - Continued

Attachment A
Included in
L020-1Attachment A
Included in
L020-1

California High-Speed Train
Bay Area to Central Valley
Draft Program EIR/EIS Comments
October 25, 2007
Page 8 of 11

Public Services

This element of CEQA is not discussed in the EIR/EIS. An evaluation of impacts to public services, such as the Atherton Police Department, City Hall, Post Office, Library, Permit Center, and Public Works Corporation Yard should be included. These impacts may be relevant in evaluating alignment alternatives and should be quantified. The EIR/EIS should include these Town of Atherton facilities, and similar facilities in other Peninsula cities, address the impact thereon, and discuss alternatives to avoid or mitigate these impacts.

Potential Interference with Resident's Electronics

While this element has adequately discussed in this EIR/EIS and the previous EIR/EIS, this is just another impact present on the Caltrain Corridor alignment that could be avoided or minimized by alternative alignments, as discussed below.

ALTERNATIVES

The EIR/EIS should address alternatives that have been considered to avoid, minimize or mitigate the anticipated significant impacts as noted above and in the report. Design of the project to reduce or eliminate impacts is avoidance or minimization, and is to be preferred over mitigation.

Peninsula Alignment using I-280/380 or 101 Corridors

While we support the Altamont alignment for high speed rail, if the southerly Pacheco route is ultimately chosen for high-speed rail, an analysis should be made of continuing the high-speed rail line from San Jose to San Francisco either via the East Bay and a new trans-bay tube (for the reasons stated above) or along the I-280/380 or 101 Corridors. These alternatives have the potential to avoid considerable significant impacts to the Peninsula.

The I-280 corridor offers innumerable advantages over the Caltrain corridor in terms of right-of-way needs, construction costs, ease of construction, and the fact that a journey along the I-280 corridor would be a far more pleasant experience for the passenger than the Caltrain corridor. The 101 corridor also has many of these benefits over the Caltrain corridor. Either alignment avoids the dramatic impacts to the established residential communities and commercial establishments along the Peninsula-Caltrain corridor.

The I-280 alignment was improperly eliminated from further consideration (as described in Appendix A to the EIR/EIS). Failure to fully evaluate this less intrusive alternative is a significant deficiency in the EIR/EIS. The reasons stated for elimination of the I-280 alternative are either wrong, or relate to problems that would be even more difficult to

California High-Speed Train
Bay Area to Central Valley
Draft Program EIR/EIS Comments
October 25, 2007
Page 9 of 11

deal with along the Caltrain corridor. For example, Appendix A states that "connecting the [I-280] alignment to Diridon Station in San Jose would require a guideway passing through developed portions of downtown San Jose." In fact, the Caltrain corridor south of Diridon Station crosses under the I-280 Freeway and provides an easy connection. Presumably, this same connection would be used for any HSR link coming into San Jose from the south. Appendix A states further that crossing interchanges with other freeways would be difficult and expensive. This analysis fails to reflect the fact that the number of grade crossings necessary along the I-280 alignment is an order of magnitude less than the number of grade crossings required along the Caltrain corridor. In addition, of course, construction along the I-280 corridor would have no impact upon Peninsula towns, could be easily accomplished while maintaining freeway traffic, and would have no impact upon Caltrain operations. It would not be nearly as difficult as attempting to construct additional tracks, overhead catenaries and grade separations in the Caltrain corridor while maintaining Caltrain operations. Further, the EIR/EIS completely fails to address the possibility of an alignment from San Jose along I-280 to I-380, at which point HSR could connect with SFO, and reconnect with the Caltrain corridor to enter San Francisco.

Trench Through Atherton and Menlo Park

If an alignment is selected using the Caltrain corridor through Atherton and Menlo Park, one alternative that could considerably avoid or reduce many of the impacts to the cities would be a Trench Corridor Treatment. The Atherton Rail Committee reviewed the Alameda Corridor in Los Angeles, where an upgraded freight line from the Port of Long Beach was constructed in a trench for its entire length to avoid impacts to surface streets and properties.

Atherton engineering staff reviewed the proposed profile for the Peninsula High-Speed Rail and determined that, with grades even less than the 3% shown for the raised profile, a trench profile between 5th Avenue in Redwood City and San Francisco Creek in Palo Alto is entirely feasible. The profile would meet the existing grade at 5th Avenue where there is an existing street undercrossing, and it would meet the existing grade at San Francisco Creek, where it could continue up to an elevated section, or crest and return to a below grade system through Palo Alto. The profile would pass under the Atherton Channel, a relatively shallow drainage channel, and under all of the streets in Atherton and Menlo Park. Leaving those streets at their existing grade would minimize the permanent disruption of residences and businesses along the corridor and along each street.

Concern has been expressed that the trench option would encounter difficulties crossing local creeks and streams. Town staff notes that conventional hydraulic design options exist for the Atherton Channel creek crossing, either by an aqueduct over the tracks, by an adequately sized siphon under the tracks, or by a pump station with redundant pump

Comment Letter L020 - Continued

Attachment A
Included in
L020-1California High-Speed Train
Bay Area to Central Valley
Draft Program EIR/EIS Comments
October 25, 2007
Page 10 of 11

capacity exceeding the 100-year flow in the channel (to be operated and maintained by the High-Speed Train operator). Floodwalls may be required to reduce the potential for flooding of the rail line.

Safety should be another important consideration favoring a trench configuration rather than at-grade or above-grade tracks in populated residential areas. A 100 to 124 mph derailment in a populated area, either accidental or through sabotage, would cause considerably less damage and loss of life if constrained by a trench.

Adjacent to park and civic centers, the trench could be covered and those areas expanded over the tracks. This would reduce noise and visual impacts even further, further enhance safety, and allow portions of the community that have been divided by the at-grade tracks to once again be connected. In areas adjacent to commercial enterprises, air rights over the tracks can be leased or sold, adding value to the system and providing opportunities to offset the additional cost of the trench.

The Atherton City Council strongly urges the High-Speed Rail Authority, if the Peninsula Caltrain corridor is selected, to study during the project design process the potential of placing the High-Speed Rail system in a trench through Atherton and Menlo Park. This design option will avoid significant impacts to cultural and historic resources (historic Atherton train station and Holbrook-Palmer Park), to protected biological resources (heritage and significant trees), and to adjacent properties, reducing the monetary damages that would need to be paid to remainder properties. It will also reduce the division between portions of the community instead of enhancing the division by the placement of linear walls or embankment to support a raised track bed. And finally, and extremely important, it will reduce the visual and noise impacts of the High-Speed Train system on the surrounding community.

CONCLUSION

The Bay Area to Central Valley HST Draft Program EIR/EIS for the Proposed California High-Speed Train System does not adequately address the potential environmental impacts to the San Francisco Peninsula that could be avoided or minimized by use of appropriate alternatives. The Authority needs to revisit the alignments being considered, including several that have been previously suggested, and are suggested again here, but were not considered, and select those that avoid significant impacts to the maximum extent possible. Only then can the Least Environmentally Damaging Preferred Alternative (LEDPA) be selected. Following such analysis, if impacts can be neither avoided, minimized, nor mitigated, the Authority is required to make a finding of overriding considerations before proceeding with the project.

Please address the above comments directly to us, and in your Final EIR/EIS, and advise us of what action you propose to avoid or mitigate the dramatic environmental and right-

Attachment A
Included in
L020-1California High-Speed Train
Bay Area to Central Valley
Draft Program EIR/EIS Comments
October 25, 2007
Page 11 of 11

of-way impacts to the Town of Atherton and other Peninsula cities. Town staff welcomes the opportunity to meet with you to discuss these comments if needed.

Thank you for your consideration.

Sincerely,



Alan B. Carlson, Mayor
Town of Atherton

Attached: Atherton City Council Resolution 07-26

Comment Letter L020 - Continued

Attachment B
Included in
L020-32

RESOLUTION 07-26

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
REGARDING THE DRAFT PROGRAM ENVIRONMENTAL IMPACT
REPORT/ENVIRONMENTAL IMPACT STATEMENT FOR BAY AREA TO
CENTRAL VALLEY HIGH SPEED TRAIN

The City Council of the Town of Atherton hereby resolves as follows:

RESOLVED, that the town of Atherton provide comments to the California High-Speed Rail Authority regarding the Draft Bay Area to Central Valley High-Speed Train (HST) Program EIR/EIS, with the following points:

1. The Town of Atherton opposes high-speed rail on the Peninsula and within the Caltrain-Railway Corridor.
 - a. High-speed rail would not directly benefit the Peninsula because express high-speed trains would not stop on the Peninsula, requiring Peninsula travelers to Southern California to transfer, either in San Francisco or San Jose, to the express train in order to benefit from express service.
 - b. Construction of high-speed rail along the Caltrain Corridor would be devastating to the long-established and heavily developed communities through which the corridor passes. Construction and operation of high-speed trains along this corridor would have a significant adverse environmental affect on the communities.
2. For the reasons stated above, we support the Altamont alignment for high-speed rail, with access to San Jose along the Capital Corridor (East Bay) route, and with access directly to Oakland via Altamont, with a new TransBay Tunnel connecting Oakland with San Francisco.
3. If the Pacheco alignment is ultimately chosen with a Peninsula route for high-speed rail, the preferred routing should be along Highway 280 or 101, in order to avoid the disastrous consequences of construction within established communities. As stated above, high-speed rail on the Peninsula will not provide easier access to express trains to Southern California. Accordingly, the Peninsula should rely upon existing Caltrain service to access either San Francisco or San Jose as starting off points, from which express trains to Southern California would depart.
4. In all events, if a Caltrain Corridor route is ultimately chosen for high-speed rail alignment, the HST should run in a tunnel or a trench in order to minimize environmental impacts and to maximize the availability of surface land for positive redevelopment.

Resolution No. 07-26
Adopted September 19, 2007
Page 1 of 2

Attachment B
Included in
L020-32

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the Town of Atherton that this Resolution shall be effective immediately upon adoption.

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 19th day of September, 2007, by the following vote:

AYES:	5	Council Members:	Janz, J. Carlson, Marsala, A. Carlson, McKeithen
NOES:	0	Council Members:	
ABSENT:	0	Council Members:	
ABSTAIN:	0	Council Members:	

ATTEST:

Kathi Hamilton
Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

Mark Hynes
Mark Hynes, City Attorney

Alan B. Carlson
Alan B. Carlson, MAYOR
Town of Atherton

I HEREBY CERTIFY THAT THE FOREGOING DOCUMENT IS A TRUE AND CORRECT COPY ON FILE AT: 81 ASHFIELD ROAD, ATHERTON, CA

DATE Sept. 28, 2007
SIGNED BY *Kathi Hamilton*
Acting City Clerk

Resolution No. 07-26
Adopted September 19, 2007
Page 2 of 2

Response to Letter L020 (Kathy McKeithen, Town of Atherton, April 26, 2010)

L020-1

Comment acknowledged. The Town of Atherton's attached prior comments were reviewed in development of the Revised Final Program EIR. The Authority's responses to those comments from 2008 are contained in Volume 3 of the Revised Final Program EIR. Many of Atherton's 2007 comments have been reiterated on issues such as use of the Caltrain Corridor by both Caltrain and HST, heritage trees, right of way requirements, alternative corridor proposals for San Francisco to San Jose, and alternative network alternatives that do not involve the Caltrain Corridor. Responses to comments in Atherton's 2007 letter that were not reiterated in its new letter, such as visual and noise impacts, and impacts to cultural and park resources, remain valid and appropriate responses.

L020-2

The Authority has circulated its Revised Draft and Final Program EIR to comply with the final judgment in the Town of Atherton case and to fully comply with CEQA. Authority staff believe the document fulfills CEQA's requirements.

L020-3

We disagree that the Authority has missed an opportunity to evaluate alternatives that would avoid the Peninsula. The Revised Draft and Final Program EIR include information related to all the alternatives discussed in the May 2008 Final Program EIR, including network alternatives that would utilize the Altamont Pass and not traverse the Peninsula.

L020-4

The Revised Draft Program EIR addresses the requirements in the Town of Atherton court judgment. Chapter 7 synthesizes the information as it relates to the network alternatives and the selection of a preferred alternative. In the judgment of Authority staff, the additional information did not alter its recommendation of the

Pacheco Pass Network Alternative serving San Francisco via San Jose as the preferred alternatives.

L020-5

The Revised Draft Program EIR addresses the requirements in the Town of Atherton court judgment, including property impacts in the alignment between San Francisco and San Jose as a result of UPRR's position denying use of its right-of-way. As explained in Chapter 1, the court judgment did not require the Authority to revise its vibration impact analysis but instead identified a contradiction between the vibration impacts discussion and the Authority prior CEQA findings on vibration impacts. The Authority will correct this inconsistency upon adopting a new set of CEQA findings for this selection of a network alternative.

L020-6

We disagree that the entire prior Program EIR must be revised and recirculated again for public comment.

L020-7

The Authority attached the Town of Atherton court ruling as Appendix A to the Revised Draft Program EIR and identified in Chapter 1 the Authority's intent to comply with that ruling. The revised discussion in section 3.2.2 states "[t]he information now available indicate a need for limited property acquisition along the right-of-way in narrow areas to allow a four-track alignment that will accommodate UPRR freight operations. Accordingly, property impacts in this corridor are now ranked between low and medium, rather than low." This acknowledgement of a higher level of property acquisition on the San Francisco to San Jose Corridor than originally anticipated addresses the court ruling.

L020-8

We disagree with the comment. The Revised Draft Program EIR Material provides the information identified in the Town of Atherton court ruling at a programmatic level of detail.

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the 2010 Revised Draft Program EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

L020-9

The 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The 2010 Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Because this is a program-level document, the analysis evaluated land impacts on a broad scale. Project-specific effects on land use will be evaluated at the project-level.

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR. More detailed impact analyses related to HST system construction including trackway, stations, maintenance facilities, transmission lines, staging areas, and other project elements will be performed during the project-level EIR/EIS analysis, when more detailed design, location, and phasing/duration information will be available for the selected HST alignment. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

The Authority disagrees with the contention that “the concept of shared tracks with Caltrain has been eliminated from consideration.” The Authority has not proposed a dedicated track option for the San Francisco to San Jose Corridor. As discussed in Chapter 2 of the 2008 Final Program EIR, the proposal for the San Francisco to San Jose Corridor is a shared-use four track alignment along the Caltrain corridor.

L020-10

Please see response to comment L020 – 9 which states, “The Authority disagrees with the contention that “the concept of shared tracks with Caltrain has been eliminated from consideration.” The combined operation of HST, Caltrain, and freight with temporal separation, constitutes as “shared-use” corridor. Please see Standard Response 10 regarding the US 101 and I-280 alternatives.

L020-11

Chapter 2, section 2.3 has been expanded regarding impacts to Monterey Highway. Please see Standard Response 10.

L020-12

Additional study of a potential HST route along State Route 280 was not a topic noted in the Superior Court's judgment in the Town of Atherton case as needing additional work under CEQA.

Please note that I-280 is adjacent to protected watersheds for over ten miles, in places bisecting the watershed. It is designed to support approximately an 80 mph design speed, with grades greater than those allowable for HST, and is 7 miles longer from Transbay Terminal in San Francisco to Diridon Station in San Jose.

If there is no opportunity for interchange between HST and Caltrain except at the San Francisco terminal and San Jose Station, the utility of using Caltrain as a feeder to HST could be substantially reduced. Caltrain passengers would need to travel to one end or another of the Caltrain corridor to access HST. Also see Standard Response 10.

L020-13

In the Town of Atherton final judgment, included as part of the Revised Draft Program EIR Material, the Court did not find that the discussion of vibration impacts was faulty, but instead held that the Authority's CEQA finding of fact that the vibration impact could be mitigated to a less than significant level contradicted the EIR and was not supported by substantial evidence. As disclosed in Chapter 1, page 1-4, of the Revised Draft Program EIR, the Authority will address this issue by correcting its CEQA finding when it considers a new decision based on the Revised Final Program EIR.

L020-14

See Standard Response 10.

L020-15

See Standard Response 10.

L020-16

As discussed in Chapter 2 of the 2008 Final Program EIR, the proposal for the San Francisco to San Jose Corridor is a shared-use four track alignment along the Caltrain corridor, rather than a

dedicated track option in this corridor. Regarding non-Caltrain alignment alternatives for traveling between San Francisco and San Jose, please see Standard Response 10.

L020-17

A more detailed review of the impacts on local vegetation, including loss of mature and heritage trees and associated effects along the Caltrain Corridor, will be performed during the preliminary engineering and project-level environmental review. Possible avoidance or minimization of impacts on the mature and heritage trees will be reviewed in detail, and mitigation for the loss of trees will be developed.

L020-18

See the Response to Comment L020-17.

L020-19

The Authority would plan to avoid and minimize potential right-of-way acquisition and impacts if the Caltrain Corridor is included in the network alternative ultimately selected by the Authority for further study. Most sections of the corridor have enough room for the four-track configuration currently under review. If any additional property is required, once the preferred project alternative details are determined—through the environmental process with transparency and public input, comment, and response—then discussions or negotiations would occur with appropriate property owners. If those discussions ultimately proved unsuccessful, then eminent domain proceedings could be initiated as necessary. The process would provide appropriate compensation to property owners whose property is acquired for the HST system.

See Standard Response 7 regarding eminent domain.

L020-20

As stated in response L020-1, we have reviewed Atherton's 2007 letter attached to the current comment letter. We do not find that responses previously provided to those comments in the 2008 Final

Program EIR were inadequate. We disagree that further recirculation of the Program EIR is necessary.

L020-21

These alternatives were evaluated or withdrawn from evaluation in the 2008 Final Program EIR and the 2010 Revised EIR Material. The Authority acknowledges that the alternatives identified in the comment would reduce potential impacts to communities along the Caltrain Corridor, which are evaluated in the 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material; however the Authority notes that these alternatives involve their own set of potential impacts, but for other portions of the peninsula.

The Superior Court in the Town of Atherton case held the Authority has substantial evidence supporting the elimination of the I-280 and U.S. 101 alignment alternatives from study in the 2008 Bay Area to Central Valley Program EIR. See Appendix A of the 2010 Revised Draft Program EIR (page 19). The Authority and the FRA considered potential HST alternatives along I-280 and U.S. 101 between San Francisco and San Jose as part of the Statewide Program EIR/EIS process and the Bay Area to Central Valley Program EIR/EIS process. Both the I-280 and U.S. 101 alternatives were screened out from further study in the program environmental documents for practicability reasons. The Authority and FRA revisited these alignment alternatives as part of the alternatives screening for the project level environmental documents. The alternatives analysis affirmed the previous conclusions that these alternatives were not practicable. Utilizing I-380 to transition from the I-280 corridor to the US-101 or Caltrain corridor in the vicinity of San Bruno would require speed-limiting curves as the alignment passed from one freeway corridor to the other. Excessive grades could also be encountered that would also limit speed. Additionally, an I-380 alignment would pass to the north of SFO, making a connection between the HST and SFO very inconvenient, if not unworkable.

L020-22

As discussed in the Response to Comment L022-21, the Superior Court in the Town of Atherton case held the Authority has

substantial evidence supporting the elimination of the I-280 and U.S. 101 alignment alternatives from study in the 2008 Bay Area to Central Valley Program EIR. See Appendix A of the 2010 Revised Draft Program EIR (page 19). The Authority and the FRA considered potential HST alternatives along I-280 and U.S. 101 between San Francisco and San Jose as part of the Statewide Program EIR/EIS process and the Bay Area to Central Valley Program EIR/EIS process. Both the I-280 and U.S. 101 alternatives were screened out from further study in the program environmental documents for practicability reasons. The Authority and FRA revisited these alignment alternatives as part of the alternatives screening for the project level environmental documents. The alternatives analysis affirmed the previous conclusions that these alternatives were not practicable. Also see Standard Response 10.

L020-23

Comment acknowledged. See Response to Comment L022-21.

L020-24

Comment acknowledged. The authority is charged with the responsibility for directing the development and implementation of intercity high-speed rail service, "that is fully integrated with the state's existing intercity rail and bus network, consisting of interlinked conventional and high-speed rail lines and associated feeder buses. The intercity network in turn shall be fully coordinated and connected with commuter rail lines and urban rail transit lines developed by local agencies, as well as other transit services, through the use of common station facilities whenever possible." (Public Utilities Code section 185030.) Accordingly, a consideration of how commuter rail can smoothly and effectively interface with high-speed rail, particularly in a shared corridor, is a necessary consideration in planning for the HST system. For the Caltrain Corridor, since the Peninsula Corridor Joint Powers Board owns the right of way, their cooperation is a critical consideration for a shared use alternative as proposed.

L020-25

In the Town of Atherton case, the Superior Court upheld the elimination of 101 and 280 alternatives from detailed study as supported by substantial evidence. This issue was not identified for further corrective work under CEQA. The comment correctly identifies that the Authority has examined these options as part of project-level alternatives screening and confirmed its prior conclusion that the 101 and 280 options are not feasible.

L020-26

We do not agree with this comment that the ridership model has changed after peer review in an inappropriate manner that results in the forecasts being obsolete or invalid. The new statewide travel demand model that was developed to generate the ridership forecasts used in the 2008 Final Program EIR was subject to three separate peer reviews. The peer review process resulted in changes to model in a manner consistent with typical practice in the industry. We acknowledge that UC Berkeley's Institute for Transportation Studies (ITS) has recently completed an additional peer review of the statewide travel demand model used to generate ridership forecasts. We believe the forecasts of HST ridership in the 2008 Final Program EIR are sufficient for the environmental review purpose for which they have been used. The UC Berkeley ITS presented its critique of the ridership model and forecasts to the Authority board in July 2010 and that the board has received the ITS Final Report for its consideration. The ITS Final Report will be part of the materials considered by the Authority board when it makes a new decision based on the Revised Draft Program EIR. See Standard Response 4, discussing the UC Berkeley ITS peer review, the difference in ridership forecasts between the 2008 Final Program EIR and the 2009 Business Plan, and why the forecasts are consistent with international experience in high-speed rail ridership.

L020-27

In the San Francisco to San Jose Corridor, the Program EIR describes a shared-use, four track alignment in which HST and Caltrain commuter trains would share tracks. In this corridor, HST service and Caltrain commuter service are intended to be operated in

a complementary manner that will optimize service levels to meet both types of markets as is done in European and Japanese markets.

L020-28

The Authority acknowledges the town of Atherton's preference for east bay and/or Altamont alignments. The alternatives discussed in the comment are fully evaluated in the 2008 Final Program EIR and the 2010 Revised EIR Material.

L020-29

In 2008 the Authority selected the Pacheco Pass corridor and Caltrain Corridor (shared use) after numerous studies culminating into the Bay Area to Central Valley Program EIR/EIS. The Authority found that the Pacheco Corridor and the Caltrain Corridor would be more compatible with the objectives of the HST system. The preferred network alternative has not changed in the 2010 Revised Program EIR.

L020-30

See 2008 Final Program EIR Volume1, Chapters 2 and 7, for a discussion of alignment alternatives including San Jose to Oakland and Bay crossings. This topic was not identified by the Superior Court in the Town of Atherton case as an area needing additional work to comply with CEQA.

L020-31

The comment does not accurately portray the content of the Revised Draft Program EIR. As discussed in Chapter 3, the 2008 Final Program EIR studied various alternatives to connect the Bay Area to the Central Valley via the Altamont Pass and the Pacheco Pass, with assumptions as to where the HST track would be located for purposes of analysis. Figure 3-2 illustrates those areas where the 2008 Final Program EIR assumed a potential ability to share right of way with UPRR. The Revised Draft Program EIR then identifies the changes in land use and property effects if the HST would have to be located adjacent to, and not within, UPRR right of way. This section clarifies the relationship of the HST to UPRR for the entire

study area to provide an appropriate level of comparative information for the alternatives. We note that the Revised Draft Program EIR did not conclude that lack of access to UPRR right of way rendered any option infeasible at the program level. The range of alternatives in the Revised Final Program EIR represents a reasonable range of alternatives for decision making. See also Standard Response 10 on alternatives.

L020-32

Comment acknowledged.

L020-33

We disagree with the comment. This Revised Final Program EIR, which includes the May 2008 Final Program EIR and the Revised Draft/Final Program EIR have adequately evaluated the impacts of the high-speed train at a programmatic level and have evaluated a reasonable range of alternatives and appropriate mitigation strategies for a first-tier, program EIR. See Standard Responses 1, 2, and 3.

L020-34

The responses to comments included in the May 2008 Final Program EIR is not one of the areas identified by the Superior Court for corrective work under CEQA. The responses to comments, taken as a whole, comply with the requirements of CEQA.

L020-35

We disagree with the comment and believe the Revised Final Program EIR complies with the Town of Atherton final judgment and CEQA.

L020-36

The 2008 Final Program EIR examined a “no project” alternative and 21 representative network alternatives for connecting the Bay Area to the Central Valley. Included in this range of alternatives were 11 Altamont Pass network alternatives, 6 Pacheco Pass network alternatives, and 4 Pacheco Pass with Altamont Pass (local service) network alternatives. Within these network alternatives, further alignment alternatives were identified that provide even more options for connecting the Bay Area to the Central Valley. The 2010 Revised Draft Program EIR Material clarified those portions of the 2008 Final Program EIR requiring revision or expansion. With this document, the Authority has reviewed a reasonable range of alternatives. The level of detail provided in the Revised Final Program EIR is sufficient for a comparative analysis of the tradeoffs between the various network alternatives. See also Standard Responses 2 and 3 on level of detail.

L020-37

Authority staff believe the Revised Final Program EIR complies with the Town of Atherton final judgment and with CEQA. All comments received from cities on the Peninsula will be presented to the Authority Board for its consideration as part of the Revised Final Program EIR. We disagree that route alternatives were closed prematurely and need to be reopened.

Comment Letter L021 (Michael Brownrigg, City of Burlingame, April 26, 2010)

L021

Kris Livingston

From: Michael Brownrigg [mbrownrigg@mbrownrigg.com]
Sent: Monday, April 26, 2010 11:16 AM
To: HSR Comments
Cc: Marc.Hershman@asm.ca.gov; Dan.Lieberman@sen.ca.gov; Senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov; Mark.Pulido@sen.ca.gov
Subject: Comments on the HSR EIR, due 4-26 Close of Business, by Michael Brownrigg, Councilman, City of Burlingame, CA
Attachments: HSR comments MGB 4-26-10 EIR.doc

Ladies and Gentlemen – please include my letter, attached and copied below, in the EIR comments, due today by close of business. I look forward to receiving your analysis in the revised EIR. Thank you.

Best, Michael Brownrigg
 Councilman, City of Burlingame
 1524 Columbus Ave
 Burlingame, CA 94010

April 26, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814
 Email: comments@hsr.ca.gov

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

Please include my comments on the High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

My concerns include noise, vibration, visual aesthetics and cultural damage. I also believe that, over time, a HSR that shares the CalTrain right-of-way will ultimately push CalTrain out of the business of carrying passengers, which will eliminate commuter rail on the Peninsula, leading to further environmental degradation as people return to cars.

Here are my concerns:

◆●● I am worried about noise and vibrations. From what I have read, HSR trains with their steel wheel-on-rail format are very loud. I worry about our business district but more importantly, I worry about our new hospital (Mills Peninsula Hospital, a state of the art \$620 million facility that is slated to open in November 2010) and the many schools and neighborhoods within 1000 feet of the rail line in Burlingame. Especially if HSR is elevated in Burlingame, then I think this will cause a passive propagation of sound waves. I believe that HSR may seek to mitigate this concern with "sound walls" on an elevated system, but that this will worsen the visual blight for the community. In short, I believe a sub-terranean system is the only system that would work with HSR in the middle of Burlingame. Please analyze and describe how noise levels will increase at these addresses; please prepare a visual model of an elevated HSR system with sound walls so that the community can see what it would look like.

L021-2

◆●● I believe that creating an elevated freeway, the equivalent of a six or eight lane freeway, through Burlingame would unalterably change Burlingame's culture and make-up. First, I believe an aerial viaduct would become a location for transients and pollution. I believe the pillars would become magnets for graffiti, encouraging the gang problems of San Mateo (our bigger neighbor) to gravitate into Burlingame, raising crime and depressing property values. Please analyse the movement of gangs and what attracts them in the EIR. Burlingame is a very low crime town and this enhances everyone's quality of life and finances. To see crime rise in Burlingame, especially if it is through an increase in gang activity, would be highly detrimental to our citizens and to our budget.

L021-3

◆●● Further, I think a solid raised structure, such as a berm or viaduct, would depress property prices on the East side of town throughout the entire community (no matter how close or far from the tracks) because it would now be perceived as the community on the wrong side of the tracks, too close to Highway 101 and its noise. I believe there would be a gradual but unavoidable depression of property values over time, and that HSR must make restitution to every home- and business-owner to the east side of the RR tracks in Burlingame. Please analyse how property values have stayed depressed in East Palo Alto (another community divided by a major transportation corridor from its former neighborhood) and create a mathematical forecast for property values in Burlingame east of the RR tracks. Please also explain how you concluded that the visual impact of HSR on our community will be "low."

L021-4

L021-5

◆●● I have children who attend McKinley Elementary School and who play at Village Park (within 150 feet of the CalTrain tracks), which has a pre-school within it. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and this park/pre-school, and its students and learning environment. Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

L021-6

◆●● By choosing to run HSR on the CalTrain corridor, I believe there is a significant economic threat to CalTrain service over time. A huge number of passengers will bypass CalTrain to take the "express" HSR service from SF to San Jose; indeed, the HSR Authority boasts about these passengers in their business plan. These passengers will be cannibalized from CalTrain. I request that your EIR study include analysis of the economic impact to CalTrain of losing these express passengers.

L021-7

◆●● I realize that CalTrain is operating at a deficit today and that service is threatened; CalTrain officials believe they must electrify their service to stay competitive and to reduce subsidies. CalTrain officials have concluded that the only source of funding is High Speed Rail, and so they are enthusiastically supporting HSR on their corridor so that they can "tag along" on the upgrades. But the optimal solution for society is for HSR to electrify CalTrain AND to run the HSR tracks on a separate, bayside route. The Bayside route would result in a much more scenic route for passengers, would

L021-8

Comment Letter L021 - Continued

move passengers more quickly from Diridon to SFO to San Francisco, and would be faster and cheaper to build. If the route is in the Bay, then the lands are held by the states or municipalities, meaning there would be no need for Eminent Domain. There would be conflicts with the bridges but that is an engineering issue. The money saved by going along the Bay instead of inland on the CalTrain corridor can be invested in upgrading CalTrain. Please compare the land acquisition costs of a Bayside route to the CalTrain corridor, factoring in the reduction in Eminent Domain and the reduced noise, visual and cultural impacts on Peninsula citizens of moving the HSR line to the Bay.

L021-8
cont.

In summary, you could avoid the problems indicated if you:

- ☐ Put the high speed train in a tunnel.
- ☐ Put the high speed train in a covered trench.
- ☐ Route the high speed train next to the Bay.

L021-9

Very truly yours,

Michael Brownrigg
1524 Columbus Avenue
Burlingame, CA 94010
Cell 415 987 3230

Response to Letter L021 (Michael Brownrigg, City of Burlingame, April 26, 2010)

L021-1

Please see Response to Comments L021-2, L021-3, L021-4, L021-5, L021-6, L021-7, and L021-8.

L021-2

More detailed information and analysis of noise and vibration impacts and mitigation will be included in project-level EIR/EISs. This analysis will include identification and evaluation of sensitive receivers, including such uses as residences, schools, parks, and hospitals. Impacts of mitigation (such as visual impacts of soundwalls) will also be evaluated in the project-level documents. See Standard Response 5.

The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See Standard Response 3.

L021-3

The 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

See Standard Response 3 regarding the level of detail in the program level documents and Standard Response 6 regarding impacts on residential property values.

L021-4

See Standard Response 6.

L021-5

The visual assessment in Chapter 3.9 of the 2008 Final Program EIR considered the visual impact in Burlingame and produced a photosimulation that was presented in the document. The simulation, based on program-level design, considered that the distance measured between the tree canopy lining the right-of-way in Burlingame would be between 75 and 85 feet. This distance was compared to the width of the Caltrain right-of-way south of SR 84, Woodside Road, in Redwood City, where there are already four tracks for Caltrain. The total width of the right-of-way in that section would be about 77 feet, as measured from an aerial photo. This led to the determination that four tracks could be accommodated without removal of the existing trees. With the trees remaining, they remain the dominant visual feature, making the visual impact of replacing the existing at-grade railway with HST and Caltrain on a retained embankment a low visual impact.

L021-6

See Standard Response 5. Site specific noise/vibration, construction, and train operational impacts on sensitive receptors such as schools, will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes.

L021-7

See Standard Response 10.

L021-8

A bayside route from San Francisco to Diridon Station in San Jose was rejected for a number of reasons. The most significant are the Don Edwards San Francisco Bay Wildlife Refuge that extends in portions on the west side of the bay from Mountain View to Foster City and the regulations upon filling the bay, which covers not only filling in the bay, but also any structure that crosses the bay, such as a bridge or trestle.

A bayside route would also require high crossings at points to allow access to the marinas along the shoreline, a route that keeps it offshore of SFO runways and airspace, which would eliminate the ability to serve SFO passengers. The lack of a station serving SFO would eliminate the ability to easily utilize the HST to connect to flights, abandoning the opportunity to scale back the short and expensive connecting flights from locations like Fresno.

If there are no HST stations between San Francisco and San Jose, there is no opportunity for interchange between HST and Caltrain except at the San Francisco terminal and San Jose Station. The utility of using Caltrain as a feeder to HST would be substantially reduced if this were to be the case, as Caltrain passengers would need to travel to one end or another of the Caltrain corridor to access HST. As an example, a passenger in Redwood City would need to take Caltrain to San Francisco to board a HST train that would then travel south back through Redwood City on its way to points south.

L021-9

The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives is being carried forward in the project level analyses. See also Standard Responses 3 and 10. See Response to Comment L021-8 regarding a bayside route.

Comment Letter L022 (Cathy Baylock, The City of Burlingame, April 26, 2010)

L022



CATHY BAYLOCK, MAYOR
TERRY NAGEL, VICE MAYOR
ANN KEIGHRAN, COUNCILMEMBER
JERRY DEAL, COUNCILMEMBER
MICHAEL BROWNIGGS, COUNCILMEMBER

The City of Burlingame
501 PRIMROSE ROAD, BURLINGAME, CA 94010-3997
www.burlingame.org



TEL: (650) 558-7200
FAX: (650) 342-8386
EMAIL: council@burlingame.org

April 26, 2010

California High Speed Rail Authority
Attn: Dan Leavitt, Deputy Director
Central Valley to Bay Area High Speed Rail Program EIR/EIS
925 L Street, Suite 1425
Sacramento, CA 95814

Subject: City of Burlingame Comments on the Revised Draft Central Valley to Bay Area High Speed Rail Program EIR/EIS

Dear Mr. Leavitt,

Thank you for the opportunity to comment on the California High Speed Rail Authority's March, 2010 Bay Area to Central Valley High Speed Train Revised Draft Program EIR. The City of Burlingame has continued concerns that the revised EIR does not adequately identify, evaluate and address issues regarding the optimal route into the Bay Area. The Authority should continue to make all efforts to analyze alternate routes and/or methods in order to avoid significant adverse impacts to the peninsula for the High Speed Train (HST) alignment.

The City of Burlingame will be directly affected by the project and several of the alternatives, whether through the Caltrain rail corridor or the Altamont pass and the Dumbarton railroad crossing. Burlingame has previously expressed issues related to the project and reiterates the following concerns that need to be addressed when determining the appropriate route.

Route Alternatives – The authority should continue to further analyze terminating the HST in either San Jose or Union City. At these locations there is existing transportation infrastructure to have time coordinated connections to regional rail systems such as BART and Caltrain. These trains can run at similar speeds to the current trains on the same number of tracks. This route alternative would significantly reduce the impacts to the Peninsula, while still providing a way to serve High Speed Rail.

Also the Highway 101 and /or 280 corridors should be adequately reviewed for High Speed Rail through the Peninsula. These existing transportation corridors are already part of the Peninsula infrastructure and would accommodate train service without impacting neighborhoods and businesses. This needs to be thoroughly reviewed and considered as part of the Route Alternatives selection through the EIR process.

Underground (tunnel) and/or Covered Trench through the City of Burlingame – Additional alternatives for construction of the High Speed Rail system underground through the peninsula should be carefully studied and included in the document. The City prefers the rail line to be either in a tunnel or in a covered trench, to reduce the impacts to the community. Placing

❖Register online with the City of Burlingame to receive regular City updates at www.Burlingame.org ❖

the rail line underground will diminish a visual and physical barrier through the City. This option would significantly reduce and / or eliminate many of the impacts associated with the use of the Caltrain railroad alignment. A tunnel option could also be constructed in specific areas of greatest impact such as narrow right-of ways from North Lane south to Peninsula Avenue. This will greatly reduce impacts to the character of our downtown and residential neighborhoods, while meeting the goals of the High Speed Rail. With respect to financial feasibility, the air rights above the system could be leased to help offset the costs with this option. This preferred design option should be studied thoroughly in the EIR/EIS.

L022-5
cont.

CHSR Project shall not create a visual or physical divide through the community –

The proposed corridor for the CHSR project runs north-south through the City of Burlingame, bisecting major residential areas in the City. Homes begin just south of the existing Millbrae Intermodal station and end at the San Mateo border. In some areas there are residences, parks, several schools and the Caltrain railroad corridor. Burlingame High School and Washington Park are adjacent to the proposed corridor with east-west connections across the corridor to the downtown and the Broadway and Burlingame Avenue Train Stations. Essentially one-quarter of our population lives east of the rail line and the CHSR improvements could adversely divide our city in two. The project shall not disrupt existing services nor create a physical barrier bisecting the city.

L022-6

All plans shall be consistent with City zoning and General Plan requirements. The existing General Plan and preliminary Downtown Plan encourage high-density housing along transportation corridors. A physical barrier along the rail line will diminish the desirability of living close to the train and decrease property values. The City requests an economic study on the future impacts of the high speed rail service on properties in and around the corridor.

L022-7

Other impacts to be reviewed in the environmental impact report / environmental impact statement (EIR/EIS) include but are not limited to: emergency vehicle access, aesthetic (visual, lighting, and fencing), noise, vibration, vehicle traffic, pedestrian and bicycle traffic, air pollution, right-of-way impacts and land takings.

L022-8

Alternatives Review and Impacts - The project shall study and identify all the following options for the City of Burlingame including:

- Underground (tunnel)
- Covered Trench
- Use of an existing Caltrain modified bullet service to serve as a high speed rail connector between San Jose and San Francisco. This option may reduce the impacts to all the Peninsula communities and save significant costs to the CHSR project
- Restoration of Caltrain service at the Broadway station, which Caltrain authorities have identified as an improvement possible with electrification

L022-9

Property Impacts -The EIR only analyzes the impacts to properties within 50 feet of the HST corridor. The impact due to the HST system such as noise, vibration, and aesthetics will have a much wider reach and effect on properties further from the system. The EIR should clearly analyze the impacts to properties much further from the HST system.

L022-10

Loss of Property Values – The draft EIR document doesn't identify potential loss of value of properties along the corridor due to noise, vibration, visually unaesthetic berm, retaining wall and aerial viaduct. The EIR should thoroughly study the impacts to property ownership through the potential loss of values, reduction in property taxes as well as its impact to local Government services.

L022-11

Noise and vibration impacts and mitigation -The revised EIR does not include any additional vibration analysis as requested in the Court's verdict. The impacts of vibration cannot be clearly

L022-12

❖Register online with the City of Burlingame to receive regular City updates at www.Burlingame.org ❖

Comment Letter L022 - Continued

understood without the required information. The additional noise and vibration caused by the HST needs should be thoroughly studied, evaluated and addressed. Mitigation measures for noise and/or vibration impacts should be included as integral components of the project. These measures should not create other impacts such as construction of a sound wall that might divide the City and adversely affect the residential character of the community.

L022-12
cont.

Utility impacts - Major utility lines currently cross the railroad corridor throughout the city. They include gravity storm drains and culverts, water lines, sewer mains, signal conduits, and street lights. The environmental document doesn't adequately identify all utilities crossing the railroad tracks that may be impacted by the project. The EIR should identify the utilities in conflict, and identify appropriate mitigation measures acceptable to the City of Burlingame Public Works Department. No City utility must be modified or relocated without an approved Public Works Department Encroachment permit.

L022-13

In addition, a portion of the railroad corridor carries storm water from seven watershed creek systems including Easton, Mills, El Portal, Burlingame, Ralston, Terrace and Sanchez Creeks, and thus acts as a detention basin during heavy rains and high tides. The proposed project may significantly upset the drainage capacity of the system, and compromise flood protection to the community. The storm drain system must be thoroughly studied and addressed by the EIR to avoid impacts.

L022-14

Historic Resources - There are two historic train stations listed with the National Historic Register in the City of Burlingame. To the north is the Broadway station, currently a restaurant, and to the south the recently improved Burlingame Avenue Train Station. In addition, there is an historic eucalyptus grove from North Lane to beyond Oak Grove Avenue, on the west side of the tracks (the Franchard Trust Grove). These historic resources need to be preserved and maintained at their current locations.

L022-15

If future improvements will impact any other existing landscaping elements adjacent to the tracks, the City recommends installing replacement landscaping now to ensure future screening. Landscaping along the corridor has been critically important in reducing visual and aesthetic impacts from the existing rail line and should be maintained with all future construction.

L022-16

The community participated and spent more than five years in the planning, design, and construction of the new \$20.5 million improvements at the Burlingame Avenue Train Station, while respecting the station's historic elements. It is imperative that the EIR clearly analyze the impacts to all of these historic resources.

L022-17

Construction impacts to residents, schools and businesses - The EIR doesn't adequately identify the sensitive receptors including schools, hospitals and other environmentally sensitive issues. The EIR shall study, identify and mitigate all potential construction impacts to the residents, schools, and businesses in the City. Residents, businesses and emergency services such as Police, Fire and Medical services heavily depend on the existing railroad crossings for emergency access. These railroad crossings must remain open to the public throughout the project construction period.

L022-18

In addition, the EIR shall also include in its study potential loss of revenue to the businesses from the project construction activities and shall address such impacts.

L022-19

Downtown business districts - The EIR must take into account the two main commercial districts in the City of Burlingame: Burlingame Avenue and Broadway. Both were developed adjacent to the train tracks when the stations were built. These commercial streets are the heart

L022-20

✦Register online with the City of Burlingame to receive regular City updates at www.Burlingame.org ✦

of the retail districts for the City. There shall be no impacts to these two vital areas from the proposed project. Existing connections across the tracks to the two downtowns must be seamless and continuous with the proposed project. Also, there shall be no impact to the retail areas during construction.

L022-20
cont.

The City of Burlingame has recently completed a Downtown Specific Area Plan which defines the land use and development adjacent to the railroad corridor. The project EIR doesn't take into consideration the planned development project impacts on the proposed developments, which include rezoning of the commercial areas into mixed use housing immediately adjacent to the railroad corridor. The EIR should study, evaluate and avoid potential project impacts to housing developments.

L022-21

Construction impacts to existing Caltrain service - The EIR shall demonstrate by engineering studies how the high speed rail line can be built while maintaining and enhancing existing Caltrain service. Residents depend on Caltrain service for transportation to and from work and other activities. This service shall not be interrupted but maintained at all times during construction. In addition, service at the Broadway station must be restored once the Caltrain line is electrified.

L022-22

The EIR/EIS shall consider how additional side tracks will be used to divert existing rail service during construction. Where and how will temporary shoo-fly tracks be used for phasing construction? Will there be a permanent shoo-fly line in the City of Burlingame at completion of Caltrain and the high speed rail improvements?

L022-23

Grade Separations - The different potential routes from the Central Valley to the Bay Area would result in various types of grade separations with different types of impacts. The Program EIR/EIS provided little information regarding grade separations within Burlingame. A more thorough analysis of the potential impacts at each roadway crossing should be included. Grade separations on the Caltrain mainline will create impacts because of construction needs, right of way width, historic structures, and existing facilities.

L022-24

Project coordination with other regional projects and services - The EIR shall include an analysis of the proposed Broadway Interchange improvements. With Broadway as the only access to U.S. Highway 101 in Burlingame, changes to the Broadway rail crossing will significantly impact traffic flows to the interchange and the freeway. There are more than 230,000 vehicles per day along the freeway at this interchange. Roadway impacts, elevation changes, and right-of-way takings all need to be thoroughly reviewed in conjunction with interchange plans being coordinated through Caltrans and the San Mateo County Transportation Authority.

L022-25

Freight - Burlingame is concerned about freight traffic using the existing Caltrain rail line. Since the rail lines will be grade separated, which allows for faster train times and reduced vehicle and pedestrian conflicts, the lines would be more easily suited for freight. This may lead to increased freight traffic on rail lines that currently have minimal freight use. The potential increase in freight will increase noise and vibration impacts to adjacent residential neighborhoods in Burlingame. These potential impacts should be included in the EIR analysis.

L022-26

Funding and Ridership - The project intends to use State General Obligation bonds to fund the project. This funding method would create a long-term financial obligation that could impact existing State programs. The current information related to cost/benefit and fiscal impact analysis needs to be revised to provide an accurate picture of the project. The current Business Plan for the project outlines several funding sources including federal grants and private investment. The federal funds have not been secured and a funding source for the private investment has not been identified. The private investment indicates that a guaranteed ridership

L022-27

✦Register online with the City of Burlingame to receive regular City updates at www.Burlingame.org ✦

Comment Letter L022 - Continued

would need to be included. This is contradictory to the Proposition 1A language that does not allow a public subsidy of the operation for the project. The Program EIR indicated that an annual ridership number of 88 million passengers were included for cost/benefit purposes. The current Business Plan indicates that the initial phase of the HST system would include 41 million passengers. Both of these estimates appear to be for the Bay Area segment. The apparent reduction in ridership indicated in the Business Plan should be utilized for the Program Level EIR to better understand the funding requirements of the project.

L022-27
cont.

L022-28

In addition, the EIR should show that all associated project costs, regardless of options chosen by the community. All mitigation measure costs shall be covered by the CHSRA. This requirement includes a covered trench or tunnel option. The EIR should demonstrate that no costs will be incurred by the City of Burlingame for the design, construction or mitigation of impacts with the CHSR project.

L022-29

Caltrain Service Levels -The EIR assumes two tracks for the HST that would be shared with Caltrain express service and two tracks for Caltrain local service and freight. A recent study on another section of the HST project indicated that the HST tracks could not be shared by another train service. If this is ultimately determined to be true for the Peninsula corridor, Caltrain service would be directly affected and its level of service would be diminished. The current number of tracks for the Peninsula has not been clearly analyzed including the level of service for Caltrain. A study that clearly identifies the required number of tracks for each system and whether the HST system can share tracks with Caltrain, given safety consideration and other factors, needs to be included in the report.

L022-30

Electrification -The appearance of overhead electric power supply for the trains, including the wires, supporting poles, mast arms and insulations, is a matter of significant concern. Also, the electrification system should be compatible with the proposed Caltrain electrification such that the two systems do not need to be constructed and maintained. The EIR needs to analyze the impacts associated with electrification of the system for all vertical and horizontal alignments including visual, tree impacts, historic resources, noise, vibration, etc.

L022-31

Caltrain plans for electrification must be included in all options of the CHSR project. The plans must address how the planned Caltrain improvements will be coordinated with the final design and construction of the HST project. The two projects need to be reviewed as one in the EIR, to comprehensively address and mitigate the cumulative impacts.

Coordination with adjacent communities – The City of Burlingame has been meeting regularly with the cities of San Mateo or Millbrae to review High Speed Rail plans. Any alignment in these adjacent cities may cause adverse impacts in the City of Burlingame. The EIR shall include the City of Burlingame in the development of options to the north and south of our City limits. No options shall be pursued without City Council approval.

L022-32

Public input and outreach - The City of Burlingame requests that the EIR provide a transparent process for public input into the project development, planning, design, engineering and construction. CHSRA shall conduct well publicized community meetings that allow time for public comment on a regular basis during all phases of study, design, and construction. A dedicated project manager shall be assigned to deal with project issues in the City of Burlingame. The City of Burlingame requests quarterly presentations by the EIR team to the City Council on the project progress and includes time for community feedback. These presentations shall include updates on the project schedule and timeline for the CEQA/NEPA process, mitigation measures, financing costs, engineering design, and construction.

L022-33

❖Register online with the City of Burlingame to receive regular City updates at www.Burlingame.org ❖

City review and approval requirements - The City Council shall review and approve all parts of the project within the City jurisdiction. The EIR shall allow for a timely manner for review and approval of all studies, environmental documents, and preliminary engineering plans as part of the EIR process. There shall be sufficient time allowed in the EIR schedule for City review and comments. No work shall be done in City right-of-way without City approval and an encroachment permit.

L022-34

Soil Contamination - The City is concerned about the documented arsenic found in the soil at Burlingame High School adjacent to the railroad corridor. The source of the soil contamination was discovered to be from the railroad. This area is also next to a public recreational park. The EIR needs to address this issue with an alignment along the existing railroad corridor.

L022-35

Millbrae HST Station Impacts –

Traffic congestion impact from the new High Speed Rail Station:

The new High Speed Rail station in Millbrae is being proposed to be located near the northern City limits of Burlingame. This will potentially result in increased volume of vehicular trip generation from and to the new station. The City is concerned about the increased traffic in the northern part of the town along California Drive, Rollins Road, Broadway, Trousdale Drive, Murchison Drive and El Camino Real. The EIR should include a detailed traffic study of the existing traffic level of service and the projected increase in traffic demand resulting from the newly proposed station. Further the EIR should identify impacts and appropriate mitigations acceptable to the City. In addition to the above mentioned streets, a detailed traffic study should be conducted at the following intersections:

L022-36

- Broadway/Rollins Road
- California/Broadway
- California/Trousdale
- El Camino Real/Trousdale
- El Camino Real/Broadway
- El Camino Real/Murchison
- El Camino Real/California Drive

Increased parking demand and spillover effect:

The EIR doesn't appear to have included the need for the parking demand at the new High Speed Rail station. The EIR should include a thorough study of the parking needs of the new station and how those needs will be met. In addition, the project shall not cause any parking spillover effect in Burlingame.

L022-37

Construction impact and potential right of way taking along California Drive:

The project does not identify the construction impacts and the potential land taking for the new station. The EIR should thoroughly study land requirement for the construction of the proposed station and evaluate its impacts to the street right of way along California Drive, businesses and residences access. In addition, the project should include construction noise, vibration and dust impacts to the residences, businesses, clinics and hospital buildings located near the corridor.

L022-38

Security issues:

The security requirements for the new station should be thoroughly studied and included in the EIR. Because of the close proximity of the new station to the residential area along California Drive, the City is concerned about the potential impacts on residential properties in the event of a security breach. The EIR should study, identify and address all possible security impacts to the community arising as a result of the High Speed Rail station.

L022-39

Other Environmental Impacts -The HST project will require the removal of trees, affect view corridors, and construction will significantly impact local traffic circulation. The HST would also

L022-40

❖Register online with the City of Burlingame to receive regular City updates at www.Burlingame.org ❖

Comment Letter L022 - Continued

change the residential neighborhood character and downtown business success that defines Burlingame, by introducing a train system that would not fit within the community. These issues need to be clearly understood prior to making a final decision on the best alignment for the project. The current program level EIR/EIS does not provide sufficient detail to allow those affected to understand the potential impacts before a final route is selected.

L022-40
cont.

Finally, the City of Burlingame would reiterate the concerns raised above and the fact that further information is necessary in order to make an informed decision on the appropriate route for High Speed Rail to the Bay Area. The City expects to have these items addressed as part of the revised Final High Speed Rail Program EIR/EIS. The City will continue to participate in the EIR/EIS process to review any impacts and proposed mitigation measures within Burlingame.

L022-41

Sincerely,



Cathy Baylock
Mayor City of Burlingame

Enclosures: List of Schools, Community Facilities, Potential Sensitive Receptors

cc: City Council
High Speed Rail Authority Board Members
City Manager
Public Works Director
Director of Community Planning
City Attorney

PW/ENG-Gomery, Jane

From: PW/ENG-Gomery, Jane
Sent: Thursday, April 08, 2010 4:31 PM
To: 'Michael Garvey'
Cc: 'jilee@pbsj.com'; 'Garlett, Carrie R'
Subject: FW: List of schools within 1/2 mile of the Caltrain tracks
Attachments: Existing Conditions comments 4-2-10.pdf; Burlingame Existing Community Facilities 1-2010.pdf

Michael,
We just completed this exercise for the Los Angeles PBS+J group that is preparing the EIR. Please see map attached that we marked up.
Some schools I do not see on your list include:

Public
Washington Elementary School
Village Park Preschool
Lincoln Elementary School
Roosevelt Elementary School
Franklin Elementary School
Burlingame Intermediate School

Private
Stepping Stone Preschool
Pal care Preschool and Daycare
Papillion Preschool
St. Paul's Co-Op Nursery School
First Presbyterian Church Nursery and Afterschool Program
St. Catherine's Catholic School
Our Lady of Angel's Catholic School
Methodist Co-op Preschool

Thank you

Jane Gomery

Program Manager | City of Burlingame |
☎ 650.558.7240 | 📠 650.685.9310 |
✉ jgomery@burlingame.org

From: Michael Garvey [mailto:garveycgs@yahoo.com]
Sent: Tuesday, April 06, 2010 9:23 PM
To: Michael Garvey
Cc: Bethany Williams; Don Cecil
Subject: List of schools within 1/2 mile of the Caltrain tracks

This is going to the San Mateo County members of the High Speed Rail TWG.

Attachment A
Included in
L022-18

❖ Register online with the City of Burlingame to receive regular City updates at www.Burlingame.org ❖

1

Comment Letter L022 - Continued

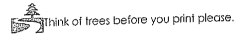
Attachment A
Included in
L022-18

We are compiling a list of all schools, public or private, that are located within 1/2 mile of the Caltrain tracks, on either side. The information will be used by the planners working on the EIR to identify sensitive "noise receptors." Attached is a list of the schools identified thus far.

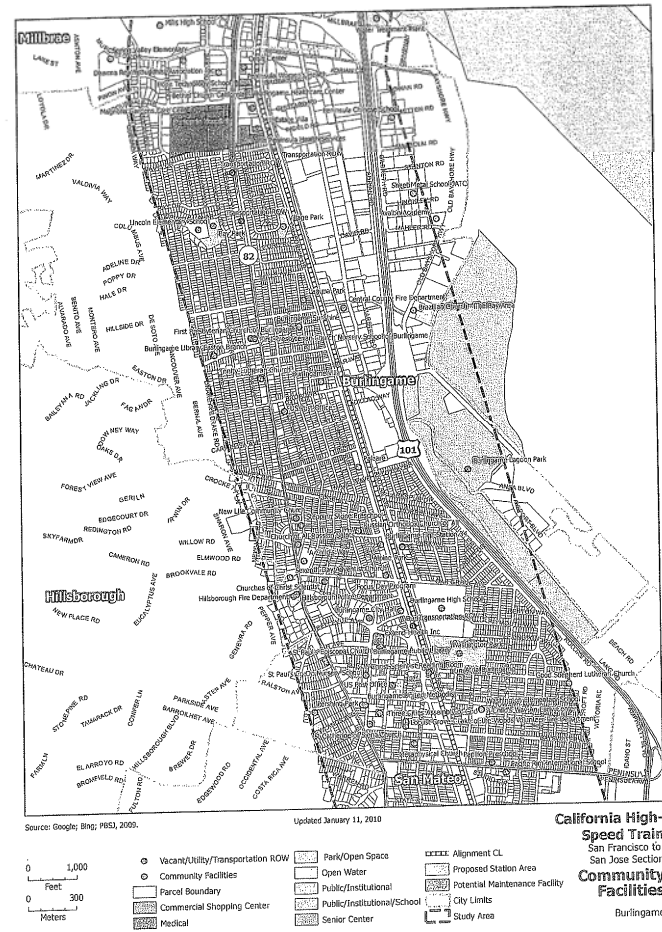
Would you please look the list over and send me information about any schools we might have missed?

Thanks.

Mike
(650) 596-9047
garveycgs@yahoo.com

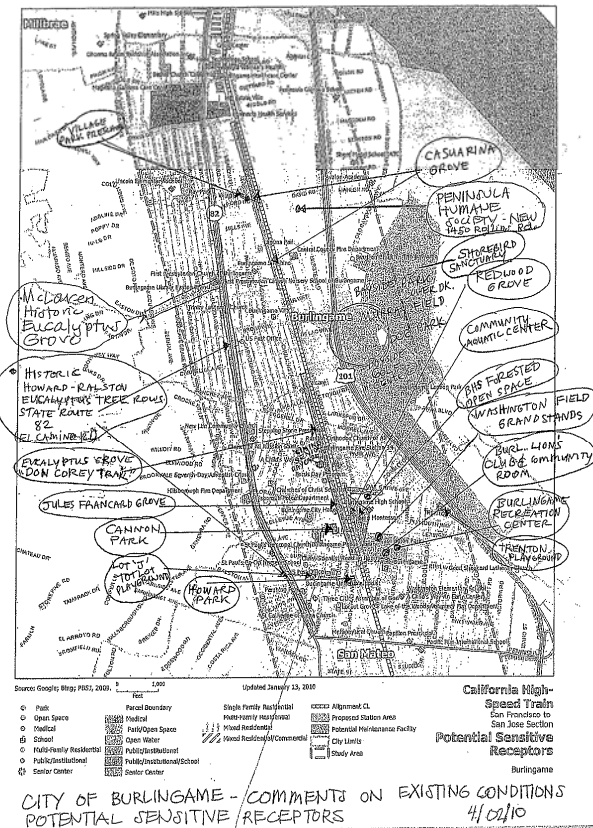


Attachment A
Included in
L022-18



Comment Letter L022 - Continued

Attachment A
Included in
L022-18



Response to Letter L022 (Cathy Baylock, The City of Burlingame, April 26, 2010)

L022-1

The 2008 Final Program EIR examined a “no project” alternative and 21 representative network alternatives for connecting the Bay Area to the Central Valley. Included in this range of alternatives were 11 Altamont Pass network alternatives, 6 Pacheco Pass network alternatives, and 4 Pacheco Pass with Altamont Pass (local service) network alternatives.

The 2010 Revised Draft Program EIR Material clarified those portions of the 2008 Final Program EIR requiring revision or expansion. With this document the Authority has reviewed a reasonable range of alternatives, and review of additional alternatives does not appear to be warranted (although the responses to comments in this document do provide comments on the proposed State Route 84 alignment through the East Bay).

L022-2

Comment acknowledged.

L022-3

See Standard Response 10 in regards to ending HST in San Jose. Ending HST in Union City to connect with BART would require a 42-minute ride into downtown San Francisco and a 77-minute trip to SFO. The lack of a quick connection from HST to SFO would eliminate the ability to easily utilize the HST to connect to flights, abandoning the opportunity to scale back the short and expensive connecting flights from locations like Fresno. A 42-minute ride on BART into San Francisco would significantly affect ridership and not meet the travel time goal set for HST trips between San Francisco and Los Angeles. For additional information, please see Standard Response 10.

L022-4

Additional study of a potential HST route along I-280 or US-101 was not a topic noted in the Superior Court's judgment in the Town of Atherton case as needing additional work under CEQA. Please note that I-280 is adjacent to protected watersheds for over ten miles, in places bisecting the watershed. It is designed to support approximately an 80 mph design speed, with grades greater than those allowable for HST, and 7 miles longer from Transbay Terminal in San Francisco to Diridon Station in San Jose. If there is no opportunity for interchange between HST and Caltrain except at the San Francisco terminal and San Jose Station, the utility of using Caltrain as a feeder to HST would be substantially reduced. Caltrain passengers would need to travel to one end or another of the Caltrain corridor to access HST. See Response to Comment 0003-171 regarding a US-101 alternative and Standard Response 10.

L022-5

The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives is being carried forward in the project level analyses. See also Standard Response 3.

L022-6

Burlingame has developed around the Caltrain and former Southern Pacific railway line. It is a prominent feature of the built environment of Burlingame since the city's inception. The eucalyptus that line much of the railway create a visual line through the city. In other places, the railway travels at the backside of the city's auto dealerships, which also form an existing visual barrier.

At the program level, views down streets that currently cross the railway would likely be affected by the HST project. The final design,

to be undertaken at the project level, will determine the means by which streets will be grade separated from the HST and any associated visual impacts.

To determine the visual impacts in the Program EIR, the assumption was made that the grade separation needed at the existing Burlingame Caltrain station would be a split grade separation, with the railway elevated partially and the roadway depressed partially. This has been the common design configuration along the peninsula, including crossings in San Mateo, Belmont and San Carlos and proposals in Redwood City and Menlo Park. The station remains the prominent structure in the view from downtown.

There are currently six streets crossing the railway in Burlingame and one protected pedestrian crossing. Detailed designs at the project level will define which, if any, existing crossings, pedestrian or auto, could be closed in the alignments being considered as part of the selected network alternative, as well as the potential for additional crossings of the HST/Caltrain corridor, if it is included in the selected network alternative.

L022-7

Both the 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material referred to general plans and other regional and local transportation planning documents to identify existing and future development on a broad scale. These documents were examined to assess an alignment alternative's and station location option's potential consistency with the goals and objectives defined therein. Project-specific effects on land use, planning and development will be evaluated at the project-level. General Plan references as cited in the 2008 Final Program EIR were current for the period that studies were conducted for the Program EIR. The project-specific land use analysis will refer to current land use and planning documents of cities along the selected network alternative, including if appropriate the City of Burlingame's zoning and General Plan requirements. See also Standard Response 6.

L022-8

The comment expresses concern about emergency access, visual impacts, noise and vibration impacts, traffic impacts (vehicular, pedestrian, and bicycle), air quality, and property impacts in Burlingame. The 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

L022-9

See Standard Response 10. With the proposed electrification of the Caltrain corridor, the Authority and Caltrain would develop a joint operating plan that would identify potential service to stations as part of the project-level environmental document and preliminary engineering.

L022-10

Section 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the Revised Draft Program EIR Material and Section 3.7 of the May 2008 Final Program EIR discussed the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts

analysis, the study area is narrower as noted above o better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3 of the May 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation.

L022-11

See Standard Response 6.

L022-12

In the Town of Atherton final judgment, included as part of the Revised Draft Program EIR, the Court did not find that the discussion of vibration impacts was faulty, but instead held that the Authority's CEQA finding of fact that the vibration impact could be mitigated to a less than significant level contradicted the EIR and was not supported by substantial evidence. As disclosed in Chapter 1, page 1-4, of the Revised Draft Program EIR, the Authority will address this issue by correcting its CEQA finding when it considers a new decision based on the Revised Final Program EIR. The comment further states that mitigation measures for noise and vibration must be included as integral components of the project. Programmatic mitigation strategies for noise and vibration impacts were discussed in Chapter 3.7 of the May 2008 Final Program EIR. The Authority will consider adopting these mitigation strategies when it makes a new decision based on the Revised Final Program EIR. Finally, the comment suggests that mitigation should not create other impacts, such as a sound wall causing division of the community. As addressed in the May 2008 Final Program and as acknowledged in the Town of Atherton final court judgment, some mitigation measures for noise such as sound barriers will be predicated on the more detailed design and engineering information that will be available in project-level analyses. Specific secondary effects of such detailed, site-specific types of mitigation will be addressed in project-level EIRs. See standard response 5.

L022-13

See Response to Comment L003-156.

L022-14

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hydrology and water resources were not one of those topics. Please see Chapter 3.14 of the 2008 Final Program EIR. Potential impacts from shallow groundwater as well as mitigation strategies were discussed in this chapter. More detailed analyses related to streams and flood control will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. In addition, the HST would span watercourse channels and embankments to minimize impacts on streams. See Standard Response 3.

L022-15

Comment noted. The revised project description between San Jose and Gilroy would not result in changes to the discussion of cultural resources beyond what was identified in the 2010 Revised Draft Program EIR Material related to Keesling's shade trees. The analysis for cultural resources is included in the May 2008 Final Program EIR, Chapter 3.12, Cultural Resources and Paleontological Resources, and Appendix 3.12-A. Under Section 106 of the National Historic Preservation Act (36 CFR § 800), the procedures to be followed at the project level include identification of resources (such as those in Burlingame), evaluation of their significance under the National Register of Historic Places and CEQA, identification of any substantial adverse effects, and evaluation of potential mitigation measures. Specific resources within the Area of Potential Effects will be further examined in detail at the project level because the identification of potentially affected resources and project effects and mitigation are dependent on the HST location and system design, and can only be done at the project level. See Standard Response 3 and Response to Comment L003-79.

L022-16

A detailed impacts analysis of the addition of the HST service to existing rail right of way will be undertaken as part of project level engineering and environmental analyses. Removal of eucalyptus

trees and other mature trees will be avoided to the extent possible. Operational and construction impacts including those related to the removal of trees will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detailed studies necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

L022-17

A detailed cultural resources investigation and evaluation of measures to minimize and mitigate impacts consistent with Section 106 of the National Historic Preservation Act will be conducted as part of project-level environmental documents.

See Chapter 3.12 of the 2008 Final Program EIR for mitigation strategies. Resource-specific cultural resources mitigation measures such as those resulting from noise, vibration, and visual intrusion will be developed as part of the project-level EIR/EIS and through Section 106 of the National Historic Preservation Act. Under Section 106 (36 CFR § 800), the procedures to be followed at the project level include identification of resources, evaluation of their significance under the National Register of Historic Places and CEQA, identification of any substantial adverse effects, and evaluation of potential mitigation measures. Specific resources within the Area of Potential Effects will be further examined in detail at the project level because the identification of potentially affected resources and project effects and mitigation are dependent on the HST location and system design, and can only be done at the project level.

L022-18

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts to residents, schools, and businesses were not one of those topics. See Standard Response 3. More detailed information and analysis of noise and vibration impacts and mitigation will be included in project-level EIR/EISs. See standard response 5. This analysis will

include identification and evaluation of sensitive receivers, including such uses as residences, schools, parks, and hospitals. Impacts on emergency access routes, including existing railroad crossings, will also be evaluated in the project-level EIR/EISs.

L022-19

See Standard Response 6.

L022-20

See Standard Response 6. In addition, as noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

L022-21

Both the 2008 Final Program EIR/EIS and the Revised Draft Program EIR referred to general plans and other regional and local transportation planning documents to identify existing and future development on a broad scale. These documents were examined to assess an alignment alternative's and station location option's potential consistency with the goals and objectives defined therein. Project-specific effects on land use, planning and development will be evaluated at the project-level. General Plan references as cited in the 2008 Final Program EIR/EIS were current for the period that studies were conducted for the Program EIR/EIS. The project-specific land use analysis will reference current land use and planning documents, including the Downtown Specific Area Plan.

L022-22

See Standard Response 10.

L022-23

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts were not one of those topics. More detailed information and analysis of construction impacts and mitigation will be included in project-level EIR/EISs, including temporary and permanent impacts related to rail detours (shooflys). See Standard Response 3.

L022-24

This comment states that the environmental document did not address the impacts of grade separations. See Standard Response 2 regarding the tiered planning and environmental process and Standard Response 3 regarding the level of detail for impact analysis and mitigation in the program environmental document.

L022-25

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Cumulative impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.17, discusses cumulative impacts and mitigation strategies at the program level including the Caltrain, roadway, and development projects along the HST alternatives. More detailed analyses related to cumulative impacts, including the Broadway Interchange improvements, will be performed during the project-level EIR/EIS analysis, when more detailed project information is available for the selected HST alignment. The cumulative project list will be updated as part of the project-level EIR/EIS.

L022-26

The comment is correct that the HST project will include full grade separations. The proposed HST alignment on the Caltrain Corridor between San Francisco and San Jose, if it is ultimately included in

the network alternative selected by the Authority, would provide community benefits by grade separating the right of way and eliminating current freight/commuter rail conflicts with vehicular and pedestrian cross traffic. We do not agree that the proposed project would create an enhanced environment for freight rail so as to lead to significant impacts from increased freight activity because trains can travel faster. For the Caltrain Corridor, freight operations are restricted to specific conditions and times under a trackage rights agreement between UPRR and the PCJPB. The rights of UPRR under this agreement will be respected and there is currently no intent to alter the windows for freight activity in the corridor. Generally speaking, freight movements, speeds, and frequency of freight trains are dependent on multiple factors, including the needs of the customer. Freight speeds are dictated by the Federal Railroad Administration and vary depending on the goods being shipped. A detailed examination of the potential for freight rail operations on this corridor to increase is beyond the scope of the Program EIR. More information on rail operations in the Caltrain Corridor would be considered at the project level if the Caltrain Corridor is part of the network alternative selected by the Authority board.

L022-27

See Responses to Comment L017-14 and O017-9.

L022-28

The ridership forecasts in the 2008 Final Program EIR are based on a different set of assumptions for environmental analysis purposes than the subsequent ridership forecasts in the 2009 Business Plan. Please see Standard Response 4.

L022-29

As described in Section 5.2 Revised Capital Costs of the Revised Draft Program EIR Material, the capital costs are representative of all aspects of the implementation of the proposed HST system, including construction, right-of-way, environmental mitigation, and design and management services.

L022-30

In the 2008 Final Program EIR a typical configuration was assumed consisting of the two inside tracks for HST and Caltrain express service operating at compatible speeds and the outside tracks for Caltrain local service and temporally separated freight service. The shared four-track system enables express service to pass local service at each station and maintains schedule reliability. The shared tracks also enable the HST to run fast express service between SF and Jose to achieve 30 minute travel times and provide high frequency service.

As noted in the 2008 Final Program EIR, Caltrain is viewed as complimentary feeder system to the HST system. The Program EIR identified shared stations in San Francisco at the Transbay Terminal, the Millbrae Caltrain / BART station (to serve SFO), a potential station at Palo Alto or Redwood City, Diridon Station in San Jose, and the Gilroy Caltrain station. This distribution of stations along the Caltrain corridor would enable a short trip from any Caltrain station to connect to the HST at a joint station, expanding convenient access to the HST along the Caltrain system.

L022-31

The precise alignment and profile options for the HST system along existing rail rights of way within the network alternative ultimately selected by the Authority will be further evaluated and refined as part of the preliminary engineering and project-level environmental review and will include trench and/or tunnel concepts in sensitive areas or where it is an appropriate and necessary design option. Available right-of-way, impacts on adjacent communities and costs will be among the factors considered as part of this review. Electrification will be considered during project-level engineering and environmental review, if the network alternative ultimately selected by the Authority includes the Caltrain corridor. 25kv AC electrification is the developing world standard for electrification projects and would work well for both HST and regional services, like Caltrain. Use of a trench or tunnel through portions of San Francisco to San Jose Section would be further evaluated with more detailed

study during the HST project-level EIR studies, if the ultimately selected network alternative includes the Caltrain corridor.

See also Responses to Comments L003-47 and L003-76.

L022-32

The Authority plans on engaging the cities in the project level environmental process through technical working groups (TWG) and policymaker working groups (PWG). In addition to these group meetings, the Authority and their consultants will meet with city staff to share to the degree possible, in-progress designs of the alignment and HST system.

Cities will be encouraged to participate and comment on the documents (scoping, alternatives analysis draft EIR/EIS) as they become available. While the Authority is interested and grateful for input from cities like Burlingame on certain alternatives, it is not required to adhere to Burlingame city council action on the HST project alternatives.

022-33

Comment acknowledged. The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Outreach was not one of those topics. Please see Chapter 10, Public and Agency Involvement, in the 2008 Final Program EIR. The comment expresses a desired level of outreach at the project level.

L022-34

The Authority has coordinated and will continue to consult with local agencies along all HST corridors that move into project-level environmental documents.

L022-35

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Section 3.11 of the

2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents. See Standard Response 3.

As part of the project-level environmental documents, a subsequent hazardous materials/waste analysis consisting of an environmental site assessment will be conducted to further analyze identified hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project. This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Based on the information presented in the project-level environmental site assessment, a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed. This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of contaminated soil and groundwater; a site-specific Health and Safety Plan (HASP), including measures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.

L022-36

See Standard Response 3. The project-level traffic impact analysis study will analyze the existing traffic level of service and the

projected increase in traffic demand resulting from the newly proposed station. The study will also identify impacts and propose feasible mitigations measures.

L022-37

The project-level traffic impact analysis study will include a detailed analysis of parking demand and feasible parking supply at the proposed HST station. The information will be documented in the traffic impact analysis study and the EIR/EIS. The analysis of number of parking spaces required and the placement of the parking facilities will be evaluated. Potential parking impacts will be evaluated based on the existing and future parking supply and the projected parking demand. Parking demand will be based upon the patronage and mode of access forecasts at each proposed station, including parking and related circulation impacts for adjacent neighborhoods.

L022-38

More detailed information and analysis of construction impacts and mitigation will be included in project-level EIR/EISs, including temporary and permanent impacts related to construction on local businesses and residences, and their access. This analysis will include analysis of construction noise, vibration, and air quality impacts. See Standard Response 3.

L022-39

An HST system Safety and Security Program Plan (SSPP) will be prepared at the project level to address safety and security goals and objectives, practices and procedures. A major component of this plan will be a Threat and Vulnerability Analysis (TVA). This analysis will identify potential threats related to transit people and property and will provide guidance in implementing protective measures through incorporation of design features and operational tactics. This process will be in compliance with the U.S. Department of Transportation and Department of Homeland Security guidelines.

L022-40

Authority staff believe this 2010 Revised Final Program EIR Material provides sufficient information for the Authority board to make a decision of a preferred route from the San Francisco Bay area to the Central Valley. See Standard Response 3.

L022-41

Comment noted. See specific responses above. See Standard Responses 1, 2, and 3. The Authority believes the program level analyses provide the appropriate level of detail for the program decisions being made.

Comment Letter L023 (Jeffrey V. Smith, County of Santa Clara Office of the County Executive, April 26, 2010)

L023

Kris Livingston

From: Rob Eastwood [Rob.Eastwood@pin.sccgov.org]
Sent: Monday, April 26, 2010 6:11 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments
Attachments: 20100426175331574.pdf

Mr. Leavitt -

Please find attached comments from the County of Santa Clara on the Draft EIR.

Apologize for the lateness, had tried to fax earlier but your fax number listed (916) 322-0827 was not responding.

-Rob Eastwood
 County of Santa Clara

County of Santa Clara

Department of Planning and Development
 Planning Office

County Government Center, East Wing, 7th Floor
 70 West Hedding Street
 San Jose, California 95110-1705
 (408) 299-5770 FAX (408) 288-9198
 www.sccplanning.org



**FAX TRANSMISSION
 COVER SHEET**

DATE: 4/26/10
 TO: Don Leavitt
 FAX #: 916 322 0827
 FROM: SCC coun

Santa Clara County Planning Office
 Phone: (408) 299-5770
 Direct: (408) 299- 5792
 FAX: (408) 288-9198

Number of pages (including this cover page): 9

Message: Bay Area to Central Valley EIR comments

Please call if you experience any difficulty receiving this transmission.

Board of Supervisors: Donald F. Gage, George Shirakawa, Dave Coriese, Ken Yeager, Liz Krass
 County Executive: Jeffrey V. Smith

Comment Letter L023 - Continued

County of Santa Clara

Office of the County Executive

County Government Center, East Wing
70 West Hedding Street
San Jose, California 95110
(408) 299-6105



April 26, 2010

Dan Leavitt
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

**RE: Comments regarding the Revised Draft Program Environmental Impact
Report Materials for the Bay Area to Central Valley High-Speed Train
(HST)**

Dear Mr. Leavitt:

Please find enclosed comments from the County regarding the Bay Area to Central Valley High-Speed Train Revised Draft Program Environmental Impact Report Materials. These include comments from the Departments of Planning and Development, Parks and Recreation, and Roads and Airports.

The attached comments highlight several comments and concerns the County has regarding the proposed Bay Area to Central Valley alignment of the proposed High Speed Train (HST) and its impact upon County resources, residents, and facilities, including County Parks, roadways, and implementation of the Santa Clara Valley Habitat Conservation Plan (HCP).

If you have any questions regarding coordination of comments on the Revised Draft Program EIR from the County, please contact Rob Eastwood at (408) 299-5792 in the County Department of Planning and Development, Jane Mark at (408) 355-2237 in the Department of Parks and Recreation, and Bill Lee at (408) 573-2487 in County Roads and Airports.

Sincerely,

Jeffrey V. Smith
County Executive

c: Santa Clara County Board of Supervisors

Board of Supervisors: Donald F. Gage, George Shirkawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith

L023-1

82
2005

Response to Letter L023 (Jeffrey V. Smith, County of Santa Clara Office of the County Executive, April 26, 2010)

L023-1

Comment acknowledged.

Comment Letter L024 (Jody Hall-Esser, County of Santa Clara Department of Planning and Development Planning Office, April 23, 2010)

L024

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 269-5770 FAX (408) 288-9198
www.sccplanning.org



April 23, 2010

Dan Leavitt
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

RE: Comments regarding the Revised Draft Program Environmental Impact Report Materials for the Bay Area to Central Valley High Speed Train

Dear Mr. Leavitt:

The County of Santa Clara appreciates the opportunity to review the Revised Draft Program Environmental Impact Report (EIR) Material, dated March 2010. The Revised Draft Program EIR provides additional information and clarifications for the 2008 Bay Area to Central Valley High Speed Train (HST) Final Program EIR/EIS. After review of the Revised Draft Program EIR, the County has the following comments:

Planning Office:

1. Santa Clara County anticipates adoption of the Santa Clara Valley Habitat Conservation Plan (HCP) in 2011. Although the HCP is not yet public, the Revised Draft EIR should reference the SCV HCP in regards to biological goals, values and conservation strategy. Information regarding the HCP can be found at <http://www.scv-habitatplan.org>

Parks Department:

2. The County of Santa Clara Parks and Recreation Department's concerns and issues regarding the proposed Bay Area to Central Valley High Speed Trail project are in relation to potential project impacts to regional parks, trails and recreation facilities and resources in Santa Clara County. The County of Santa Clara Parks and Recreation Department (County Parks) owns and operates 28 regional park units encompassing approximately 45,000 acres. The San Jose to Merced High Speed Train corridor would potentially impact a number of parks, trails and recreation facilities and resources, including Coyote-Hellyer, Motorcycle, Anderson Lake, and Coyote Creek Parkway County Parks, and regional trail routes such as the Juan Bautista de Anza National Historic Trail, Bay Area Ridge Trail and Coyote Creek/Llagas Creek Trail. When the Authority conducts project-level evaluations and analysis for the Pacheco Pass Network Alternative, County Parks requests additional considerations for assessing future impacts to park and recreation facilities and resources, as related to:

- Land Use & Policies: Future impacts to parks, trails and recreation in accordance with the Parks and Recreation Element of the County of Santa Clara General Plan (1990-2010) and the Santa Clara County Countywide Trails Master Plan Update (1995);

L024-2
cont.

- Land Use & Policies: Revised Draft Program EIR/EIS should address analysis and compliance with the Coyote Creek Parkway Integrated Natural Resource Management Plan and Master Plan (March 2007), which is a locally-adopted land use plan for a County park facility.

L024-3

- Property Taking of County Parkland: As per Public Park Preservation Act of 1971, a voter-approved County Charter Amendment and Code of Civil Procedures Section 1240.680, the County would need to evaluate and assess all projects with the potential to encroach upon, take and/or impact County parklands. Furthermore, County Parks is required to evaluate environmental analysis of any project which may impact parklands. Thus the project EIR/EIS and/or Alignment Alternative Reports should discuss potential environmental impacts to County parks, trails and parklands that are located within the vicinity of the proposed project, that include Coyote-Hellyer, Motorcycle, Anderson Lake, and Coyote Creek Parkway County Parks.

L024-4

- Riparian Resources: Coyote Creek Parkway County Park is one of the regional parks and recreational resources directly impacted by the proposed San Jose to Merced High Speed Train corridor. In addition, Coyote Creek Parkway County Park is an outstanding example of a regionally significant riparian habitat that provides a valuable wildlife movement corridor for numerous sensitive species. County parklands contain a number of sensitive and protected species and habitats, and the department is charged with the responsibility to provide, protect and preserve regional parklands including management of these natural resources. The County is under the regulatory oversight of local, federal and state agencies, such as the Santa Clara Valley Water District, the National Marine Fisheries Services (NOAA), necessitating that we conduct additional review of projects that may impact these resources or that require enhancement of habitats that exist in County parklands.

L024-5

Future Project-Level Environmental Analysis:

While the 2008 Bay Area to Central Valley HST EIR/EIS is programmatic in nature, future tiered, site-specific project level environmental documents will assess the impacts of construction and implementing individual HST projects. As discussed in County comments for the Notice of Preparation (NOP) for the San Jose to Merced High Speed Train System through Pacheco Pass, dated April 10, 2009, future project-level environmental analysis should address the following:

L024-6

3. Agricultural Resources: Discuss the impacts of the loss of agricultural land, loss of prime farmland, and impacts on land under Williamson Act Contract or commercial agricultural production as a result of the proposed project.

4. Noise: Evaluate noise impacts on adjacent properties using the County Noise Ordinance and County General Plan Policies as thresholds of noise significance

L024-7

Board of Supervisors: Donald F. Gage, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith



Comment Letter L024 - Continued


5. Scenic Rural Roads: Evaluate visual impacts of the proposal on County designated scenic roads.

L024-8

Again, we appreciate the opportunity to review and provide these comments on the Bay Area to Central Valley High-Speed Train Revised Draft Program EIR/EIS Material. We look forward to reviewing any responses and revisions to the document, as well as any future project level environmental documents, when they become available. If you have any questions regarding these comments, please do not hesitate to contact Rob Eastwood, Planning Office, at (408) 299-5792, Kim Rook, Planning Office, at (408) 299-5790, Planning Office, or Jane Mark, Parks & Recreation Department, at (408) 355-2237.

L024-9

Sincerely,



Jody Hall-Esser
Director
Department of Planning and Development
Santa Clara County

cc:

Michael Lopez, Planning Office
Rob Eastwood, Planning Office
Jane Mark, Parks & Recreation Dept.
Bill Lee, Roads & Airports

Response to Letter L024 (Jody Hall-Esser, County of Santa Clara Department of Planning and Development Planning Office, April 23, 2010)

L024-1

The Santa Clara Valley HCP are acknowledged in the 2008 Final Program EIR Response to Comment F002-6: In the Pacheco Pass area, there are opportunities to help preserve habitat for kit fox, tiger salamander, and red-legged frog for mitigation, as demonstrated by the conservation strategy of the Santa Clara Valley HCP/Natural Community Conservation Plan (NCCP) (in Santa Clara County).

L024-2

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Public parks and recreation was not one of those topics. Parks and recreational issues are discussed Chapter 3.16 Section 4(f) and 6(f) Resources (Public Parks and Recreation) of the 2008 Final Program EIR. More detailed analyses related to impacts on recreational resources during construction and operation including analysis of relevant land use plans and policies will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available.

L024-3

See Response to Comment L024-2.

L024-4

See Response to Comment L024-2.

L024-5

See Response to Comment L024-2.

L024-6

Comment acknowledged. The project-level EIR/EISs will address impacts to agricultural resources, including loss of agricultural land, loss of prime farmland, impacts to lands under Williamson Act contracts, and impacts to commercial agricultural production.

L024-7

See Standard Response 5.

L024-8

All state and locally adopted scenic roads will be part of the visual impact analysis conducted as part of the project-level EIR/EIS. All state scenic highways, qualifying and adopted, were identified in the 2008 Final Program EIR.

L024-9

Comment acknowledged.

Comment Letter L025 (Raluca Nitescu, County of Santa Clara Roads and Airports Department, April 23, 2010)**L025****County of Santa Clara**
Roads and Airports Department101 Skyport Drive
San Jose, California 95110-1309
(408) 672-2400

April 23, 2010

Ms. Kim Rook, Planner
County of Santa Clara, Planning Department
70 West Hedding Street, 7th Floor, East Wing
San Jose, CA 95110Subject: Bay Area to Central Valley High Speed Train (HST) Revised Draft Program
EIR Materials Comments

Dear Ms. Rook,

Your e-mail dated April 2, 2010 with the information regarding the subject project has been reviewed. Subsequent to Roads and Airports comments dated April 6, 2009 (Attachment A) the following are our additional comments:

1. The At-Grade crossing section shows 50 feet takeaway from Monterey Highway and reduction to 4 lanes. This could present two major issues:
 - reduces of future capacity on Monterey Highway through South County Areas
 - presents major safety issues At-Grade intersections such as San Martin, Masten, and others along the corridor.
2. The project traffic study needs to be consistent with the findings of South County Traffic Circulation Study done by Valley Traffic Authority (VTA) relative to Monterey Highway and other south county roadways.
3. Any right-of-way and traffic capacity reductions on Central Expressway will have a significant negative impact on the traffic in this major subregional corridor. This corridor is also a popular bicycle commuter route (utilizing the expressway shoulders) in this area.
4. E-mail of Roads and Airports' Infrastructure Development Deputy Director, Dan Collen to Caltrain (Attachment B).

L025-1

L025-2

L025-3

Board of Supervisors: Donald F. Gage, George Shikawa, Dave Cortese, Ken Yeager, Liz Kriss
County Executive: Jeffrey V. Smith85
700

Thank you for the opportunity to review and comment on this project. If you have any questions, please contact me at 408-573-2464.

Sincerely,

Raluca Nitescu, PE
Project Engineer
Attachments: Attachment A- Roads and Airports comments dated April 6, 2009
Attachment B- Roads and Airports' Infrastructure Development Deputy Director
comments

CC: DEC, MA, RS, KV, WRL, File

Comment Letter L025 - Continued

-----Original Message-----

From: Raluca Nitescu
Sent: Monday, April 06, 2009 10:36 AM
To: 'Ranu Aggarwal'
Cc: 'Referral Response'; Mike Griffith; Masoud Akbarzadeh; Dawn Cameron; Bill Lee
Subject: NOP(EIR/EIS) - San Jose Merced High Speed Train

Please see our comments for the subject application:

1. A traffic impact analysis for the Gilroy and San Jose stations needs to be conducted as part of the EIR/BIS. With so few stations, these stations will be a major draw. The analysis needs to identify projected number of trips to and from the stations and the level of service impacts on the streets and freeways used to access the station. Traffic impact mitigations should be identified as needed for station access.
2. County of Santa Clara Roads and Airports Department staff should be consulted as part of the planning process for any alignment/grade separation changes that are studied for County roads.

L025-4

L025-5

THIS EMAIL AND ANY ATTACHMENTS MAY BE
 PLACED IN A FILE OPEN TO PUBLIC REVIEW
 Raluca Nitescu, PE
 Associate Civil Engineer
 Land Development and Survey
 Roads and Airports Department
 County of Santa Clara
 ph. (408) 573-2404
 fax (408) 441-0275

ATTACHMENT A

-----Original Message-----

From: Dan Collen
Sent: Friday, April 09, 2010 11:38 AM
To: 'prp@caltrain.com'
Cc: Bill Lee; 'Dawn Cameron'
Subject: Concerned about Central Expressway

Hi, I read yesterday that accomodating 4 tracks through Mountain View is expected to require reduction of Central Expressway traffic lanes. As we are responsible for Central Expressway, we would like to know how best to involve ourselves in the deliberation process – technical working group? CSS participation? Formal comments to Alt Analysis? All? Fundamentally we share concerns of some in the community that have questioned impacting everyday traffic circulation in order to provide a transportation alternative that most people in the community will rarely, if ever use. We would like to know what alternatives are being considered to retain Central Expressway capacity, and we would suggest serious efforts, not a quick assumption that the road rights-of-way are available. We are available for your outreach efforts and design collaboration, should your staff make contact with us.

L025-6

Dan Collen
 Deputy Director, Infrastructure Development
 County of Santa Clara Roads & Airports Department
 (408) 573-2492

ATTACHMENT B

Response to Letter L025 (Raluca Nitescu, County of Santa Clara Roads and Airports Department, April 23, 2010)

L025-1

Comment noted. Detailed traffic analysis at the project-level EIR/EIS will evaluate the impacts due to reduction in lanes of Monterey Highway. Future traffic operations on Monterey Highway and any other affected roadways will be evaluated to determine the potential traffic impacts due to the proposed modification of the highway. The traffic impact analysis study will also evaluate permanent and construction-related (temporary) impacts to affected roadways, intersections, parking, pedestrian and bicycle facilities. Feasible mitigation measures will also be discussed at the project-level.

L025-2

Comment acknowledged. The South County Traffic Circulation Study and other relevant studies will be referenced while conducting the project-level traffic impact analysis study.

L025-3

Comment acknowledged. Project-specific analyses of circulation, traffic, and parking will be conducted in the project-level EIR/EIS for the station areas, access roads, and other facilities that might be affected by a proposed HST station. The project-level traffic impact analysis study will also evaluate the effect of the project and project construction on existing and planned pedestrian and bicycle facilities. Potential impacts on pedestrian and bicycle connections to and across HST facilities will be analyzed. Potential impacts to pedestrian and bike facilities and feasible mitigation measures will be documented in a Traffic, Transit, Circulation and Parking Report.

L025-4

Project-specific analyses of circulation, traffic, and parking will be conducted in the project-level EIR/EIS for the station areas, access roads, and other facilities that might be affected by a proposed HST station. This will be documented in a Traffic, Transit, Circulation and Parking Report. Potential changes in traffic volumes on surface

streets located near the proposed HST stations and the effect of these changed traffic volumes on traffic operations of these roadways and critical intersections will be evaluated in the project-level traffic impact analysis study. Roadways near the proposed HST stations which would operate at unacceptable conditions due to addition of the proposed HST system would be identified, local jurisdictions will be consulted, and feasible mitigation measures will be proposed. Also see Standard Response 3.

L025-5

Comment acknowledged.

L025-6

The Authority appreciates feedback at all stages of the environmental and design process. We hope you continue to provide input on the project level process that is currently underway. The project level engineering and environmental analysis will evaluate several vertical design options and their potential effects on the adjacent and surrounding roadways. The Authority understands that California needs a “balanced” transportation with an appropriate mix of public transit and roadway options, to that end, they will consider the potential impacts on the adjacent roadway system carefully in designing the HST system. The Authority will consider the comment as part of the project-level EIR/EIS processes.

The Authority disagrees with the suggestion that “most people in the community will rarely if ever use” the HST system. The Authority notes that residents of these communities are expected to use the HST system to travel to and from other destinations in the state, and the HST system would provide opportunities for these communities to serve as a destination for business, recreational, or educational travel. Additionally this system would be designed to allow both Caltrain and the HST system to serve both local commuters and the intercity passengers mentioned above, if the Caltrain corridor is included in the network alternative ultimately selected by the

Authority. Such complementary systems would provide unparalleled local and intra-state mobility for the region.

Comment Letter L026 (Ed Tewes, City of Morgan Hill City Manager's Office, April 26, 2010)



April 26, 2010

Mr. Dan Leavitt
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Attention: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the subject Environmental Impact Report and Environmental Impact Statement. Our City Council reviewed the document at its meeting of April 7, 2010. The Morgan Hill City Council has recommended that comments be forwarded to the California High Speed Rail Authority for review in preparation of the Project Level EIR/EIS study for the California High Speed Train (HST) section from San Jose to Merced.

The Revised Draft EIR document relocates the program alignment outside of the UPRR right-of-way. From San Jose to north of Morgan Hill, alignment would be at-grade within a 50' right-of-way, utilizing a portion of the existing Monterey Road right-of-way. From Coyote to north of Morgan Hill, Monterey Road would be relocated 50 to 60 feet to the east to accommodate the 50' right-of-way for HST. From south of Tilton to south of Tennant Avenue the program alignment would utilize an aerial structure within a 50' right-of-way acquired from the adjacent private property. The aerial structure would have a minimum clearance of 17 feet where the structure crosses over Dunne, San Pedro and Tennant Avenues. South of Tennant, the alignment returns to at-grade structure until it reaches Gilroy where it returns to an aerial structure through Gilroy.

The Revised Draft EIR determined that the aerial structure through Morgan Hill and Gilroy would have a moderate visual/aesthetic impact and Monterey Road alignment adjacent to the UPRR mainline right-of-way would potentially impact heritage trees (black walnut trees). The project-level EIR will need to address the impact of shifting Monterey Road 50 feet to the east north of Cochrane Road, specifically the potential displacement of existing commercial developments on the east side of existing Monterey Road from Burnett Avenue to south of Peebles Avenue. A more complete visual analysis also needs to be completed to assess how the program alignment aerial structures through Downtown Morgan Hill south to Tennant Avenue would impact views of the nearby hills, commercial facilities, Downtown properties and adjacent neighborhoods. It is recommended the project-level EIR include detailed information regarding the

L026

CITY MANAGER'S OFFICE

17555 PEAK AVENUE
MORGAN HILL, CA 95037-4128
TEL: 408-779-7271
FAX: 408-779-1592
WWW.MORGAN-HILL.CA.GOV

APR 30 2010

clearance and overall height of the aerial structure including photo simulations depicting how the aerial structures would appear from various vantage points.

L026-1
cont.

From San Pedro Avenue, south to Maple Avenue, the program alignment extends over an existing local street, Railroad Avenue. The project-level EIR will need to address the potential closure or relocation of this street and how adjacent properties would receive access should the public street be acquired for the HST right-of-way.

L026-2

The Revised Draft Programmatic EIR only evaluates the relocation of the preferred program alignment outside of the UPRR right-of-way. The separate Project level EIR/EIS for the San Jose to Merced Section of HST may include several alternative alignment on the east side of Highway 101. As recommended above, a more complete assessment of the visual impacts of the various alignments will need to be completed in the program-level EIR to determine how the freeway alignments would impact adjacent highway commercial developments and properties. The height of the aerial structure needed to clear East Dunne Avenue at the Dunne Avenue and Highway 101 interchange will need to be determined and photo simulations of the aerial structures will need to be prepared.

L026-3

Once again, thank you for the opportunity to comment on the Draft Bay Area to Central Valley High-Speed Train Revised Program EIR document. If you have any questions concerning the information in this letter, please contact me at (408)779-7271.

Sincerely,

Ed Tewes
City Manager

c: Morgan Hill Council Members

L026-1

Response to Letter L026 (Ed Tewes, City of Morgan Hill City Manager's Office, April 26, 2010)

L026-1

The project-level EIR/EIS will analyze the issues raised in the comment. **See Standard Response 3.**

L026-2

The HST system would operate over a fully grade-separated, dedicated track alignment. Project effects on access and circulation will be addressed in the project-level EIR/EIS.

L026-3

The 2010 Revised Draft Program EIR assessed impacts with an alignment along the existing UPRR. The project-level EIR/EIS studies will analyze impacts to the alignment alternatives that are part of the network alternative ultimately selected by the Authority.



U.S. Department
of Transportation
**Federal Railroad
Administration**

Comment Letter L027 (Doug Kimsey, Metropolitan Transportation Commission, April 8, 2010)



METROPOLITAN
TRANSPORTATION
COMMISSION

Joseph P. Boni MetroCenter
101 Eighth Street
Oakland, CA 94607-4700
TEL: 510.817.5700
TTY/TDD 510.817.5769
FAX 510.817.5848
E-MAIL: info@mtc.ca.gov
WEB: www.mtc.ca.gov

L027

April 8, 2010

Scott Haggerty, Chair
Alameda County

Adrienne J. Trites, Vice Chair
San Mateo County

Tom Amadorino
U.S. Department of Housing
and Urban Development

Don Bates
Cities of Alameda County

Dean J. Chu
Cities of Santa Clara County

Dave Caruso
Association of Bay Area Governments

Chris Daly
City and County of San Francisco

Bill Dodd
Napa County and Cities

Doreen M. Giacomini
U.S. Department of Transportation

Patricia D. Glover
Contra Costa County

Anne W. Holstad
San Francisco Bay Conservation
and Development Commission

Steve Kinney
Marin County and Cities

Sam Leung
Cities of San Mateo County

John Markensie
Sonoma County and Cities

Tom Rubin
San Francisco Mayor's Appointee

Ryan Serritt
State Business, Transportation
and Housing Agency

James P. Spiering
Solano County and Cities

Amy Rele Wurth
Cities of Contra Costa County

Kyu Yinger
Santa Clara County

Steve Heninger
Executive Director

Ann Ploner
Deputy Executive Director Policy

Andrew B. Premier
Deputy Executive Director Operations

Mr. Curt Pringle, Chair
California High-speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

RE: Bay Area to Central Valley Revised Draft Program-Level EIR Material
Comments

Dear Mr. Pringle:

The Metropolitan Transportation Commission (MTC) staff appreciates the opportunity to comment on the Bay Area to Central Valley Revised Draft Program Environmental Impact Report Material released by the California High-Speed Rail Authority (Authority) on March 12, 2010 for public review.

Based upon our staff review, we find that the while the revised EIR material provides additional information and context to the 2008 Final Bay Area to Central Valley Program EIR, it does not substantively alter the environmental assessments and findings in that Final EIR. When the Authority considers and certifies the Revised Draft and Final Program EIR Material, along with the 2008 Final Program EIR, we request that the Authority also take into account the Commission's position in support of the Pacheco Pass as the preferred network alternative for the main high-speed train express line between northern and southern California. The Commission has articulated its support position for Pacheco Pass in the MTC Resolution No. 3829 and in our letter to the Authority on the Draft Bay Area to Central Valley Program EIR dated October 26, 2007.

Should you have any questions, please contact me at 510.817.5790 or dkimsey@mtc.ca.gov.

MTC looks forward to working with you and the Authority in delivering a high-speed train system in California and the Bay Area.

Sincerely,

Doug Kimsey
Planning Director

SH:AN

J:\PROJECT\HSR Study\MTC Correspondence\MTC Comments Revised Draft PEIR_032910.doc

L027-1

Response to Letter L027 (Doug Kimsey, Metropolitan Transportation Commission, April 8, 2010)

L027-1

Comment of support is acknowledged.